JOURNAL

OF THE

SENATE

OF THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MONDAY THE
THIRD DAY OF DECEMBER, IN THE YEAR OF OUR LORD 1827,
AND OF THE COMMONWEALTH THE THIRTY-SIXTH.

FRANKFORT:
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1827.
AT a General Assembly begun and held for the State of Kentucky, in the Town of Frankfort, on Monday the third day of December, in the year of our Lord one thousand eight hundred and twenty-seven, and in the thirty-sixth year of the Commonwealth.

It being the day appointed by law, for the annual meeting of the General Assembly, Robert B. M'AFEE, Lieutenant-Governor, appeared and took the Chair, and the following members of the Senate appeared and took their seats, to-wit: From the counties of Adair and Casey and a part of Russell, Benjamin Selby; from the county of Barren, Robert D. Maupin; from the counties of Allen and Warren and a part of Edmonson, Johnson J. Cocke- rill; from the counties of Butler, Grayson and Muhlenburg and a part of Edmonson, William Cunningham; from the counties of Hopkins, Henderson and Union, Francis Lockett; from the counties of Hickman, Calloway, Livingston, Caldwell, Graves and M'Cracken, Dickson Given; from the counties of Christian, Trigg and Todd, Francis Summers; from the counties of Green and Hart, James Allen; from the counties of Hardin, Bullitt and Meade, James Crutcher; from the county of Henry, John Rodman; from the county of Shelby and a part of Spencer, Samuel W. White; from the county of Washington and a part of Anderson, John Pope; from the county of Mercer and a part of Anderson, Samuel Daviss; from the county of Garrard, John Faulkner; from the counties of Lincoln and Rockcastle and a part of Laurel, John Green; from the county of Madison, Archibald Woods; from the counties of Pulaski and Wayne and a part of Russell, Martin Beatty; from the counties of Knox, Harlan, Clay, Perry and Whitley and a part of Laurel, Daniel Garrard; from the county of Nelson and a part of Spencer, Benjamin Hardin; from the counties of Grant, Pendleton and Gallatin, David Gibson; from the counties of Franklin and Owen and a part of Anderson, Jephthah Dudley; from the county of Scott, Rodes Smith; from the county of Harrison, Peter Barrett; from the counties of Bracken and Nicholas, Andrew S. Hughes; from the county of Bourbon, John L. Hickman; from the county of Mason, Robert Taylor; from the counties of Greenup, Lawrence and Lewis, John M. M'Connell; from the counties of Montgomery and Estill, Jesse Daniel; from the county of Clarke, William
M'Millan; from the counties of Woodford and Jessamine, Andrew Muldrow; from the counties of Bath, Morgan, Floyd and Pike, David K. Harris; and from the county of Fayette, Robert Wickliffe.

The said Robert D. Mappin, Francis Summers, John Rodman, Benjamin Hardin, Robert Taylor, William M'Millan and David K. Harris, severally produced certificates of their having been duly elected at the last General Election, and took the several oaths required by the constitution of the United States, and the constitution and laws of this state.

James Stonestreet was elected Clerk to the Senate, during the present session, Anthony Crocket, Sergeant at Arms, and Littleberry Batchelor, Door Keeper.

Whereupon they took the oaths of office.

Mr. Allen moved the following resolution, to-wit:

Resolved, That the Clerk of the Senate be authorized to employ an assistant Clerk to aid him in the discharge of his duties.

Which was twice read and disagreed to.

Mr. Crutcher nominated Benjamin R. Pollard as a proper person to fill the office of Assistant Clerk to the Senate during the present session; Mr. Hickman nominated William Samuels; Mr. M'Millan nominated Joseph Carter; and Mr. Pope nominated Martin D. M'Henry; after taking three several votes, Benjamin R. Pollard having received a majority of all the votes, was declared duly elected;

Whereupon he took the oaths of office.

Messrs. Allen, M'Millan and Muldrow were appointed a committee on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, to wait on the Governor, and inform him that the General Assembly has convened, and is now ready to receive any communication he may think proper to make.

Ordered, That Mr. Daviess inform the House of Representatives thereof; and that the Senate having met, formed a quorum and elected its officers, is now ready to proceed to legislative business.

Mr. Wickliffe moved the following resolution, to-wit:

Resolved, That the Senate do now proceed to the appointment of a committee of courts of justice; a committee of propositions and grievances; a committee of religion; a committee of internal improvement and domestic manufactures; a committee of finance; a committee of elections; a committee of enrollments; a committee to prepare rules for the government of the Senate; and that said committees be appointed by ballot. The committee of courts of justice to consist of members; the committee of propositions and grievances to consist of members; the committee of religion to consist of members; the committee.
mittee of internal improvements and manufactures to consist of
members; the committee of finance to consist of
members; the committee of elections to consist of
members; the committee of enrollments to consist of
members; the committee to prepare rules and regulations for the
government of the Senate to consist of
members.

Which was twice read and laid on the table.

And then the Senate adjourned until to-morrow morning ten
o'clock.

TUESDAY, DECEMBER 4, 1827.

The Senate assembled.

The resolution in relation to the appointment of standing com-
mittes, moved by Mr. Wickliffe yesterday, was taken up.

Mr. M'Connell moved to amend the said resolution by strik-
ing out these words, to-wit: "and that the said committees be
appointed by ballot."

And the question being taken thereon, it was decided in the
affirmative. The yeas and nays being required thereon by Mes-
srs. Daviess and M'Connell, were as follows, to-wit:

YEAS—Messrs. Allen, Beatty, Barrett, Cockerill, Cumming-
ham, Crutcher, Daviess, Dudley, Daniel, Faulkner, Given, J.
Green, Garrard, Gibson, A. S. Hughes, Hardin, Hickman, Har-
riss, Lockett, Maupin, M'Connell, M'Millan, Muldrow, Pope,

NAYS—None.

The said resolution was then laid on the table.

The Senate then adjourned till to-morrow morning ten o'clock.

WEDNESDAY, DECEMBER 5, 1827.

The Senate assembled.

Mr. John Hughes, a member returned to serve in the Senate
from the counties of Jefferson and Oldham, appeared, produced
a certificate of his election, and of his having taken the oaths re-
quired by the constitution of the United States, and the consti-
tution and laws of this state, and took his seat.

On motion—Ordered, That the Sergeant at arms cause the
chairs of the Speaker and Clerk of the Senate, to be repaired.

The resolution in relation to the appointment of standing com-
mittes, was again taken up, and the blanks therein filled.

At five minutes after five o'clock P. M. Mr. Daviess moved that
the Senate do now adjourn.

And the question being taken thereon, it was decided in the
negative.
The yeas and nays being required thereon by Messrs. Beatty and Daviess, were as follows, to-wit:


The question was then taken on the adoption of the said resolution, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Daviess and Green, were as follows, to-wit:


NAYS—Messrs. Allen, Barrett, Cockerill, Daviess, Dudley, Daniel, Given, J. Hughes, A. S. Hughes, Harris, Maupin, Pope, Rodman, Selby and Smith—15.

And then the Senate adjourned till to-morrow morning ten o'clock.

THURSDAY, DECEMBER 6, 1827.

The Senate assembled.

Mr. William Wood, a member of the Senate from the counties of Cumberland and Monroe, and a part of Russell, appeared and took his seat.

A message from the House of Representatives, by Mr. Yantis.

Mr. Speaker: I am directed by the House of Representatives, to inform the Senate that the House having met, formed a quorum, and elected its officers, is now ready to proceed to legislative business; and has appointed a committee to act with the committee appointed on the part of the Senate, to wait on the Governor, and inform him that the General Assembly has convened, and is now ready to receive any communication he may think proper to make.

And then he withdrew.

The committee on the part of the Senate retired, and after a short time returned; when Mr. Allen reported, that the committee had discharged the duty assigned them, and were informed by the Governor, that he would make a communication in writing, by way of message, to each branch of the General Assembly, in their respective chambers, at half past eleven o'clock this morning.

A message from the Governor by Mr. Pickett, Secretary of State.
Mr. Speaker: I am directed by the Governor, to lay before the Senate a message in writing.

And then he withdrew.

The said message was then taken up and read, as follows, to wit:

Gentlemen of the Senate,  
And of the House of Representatives:

Under the auspices of divine Providence, I am again permitted to address the assembled Representatives of the people. Suffer me to congratulate you, my fellow-citizens, on your safe arrival at the scene of your future labors. Unable, from their number and scattered situation, to assemble together themselves for the purpose of making and amending their own laws and vindicating their rights, the people annually delegate those high powers to agents or representatives, whose business it is to speak their will and provide for their necessities. It is in this character, that it gives me pleasure to address you. In this character, your attitude is more honorable than that of Princes and Potentates. You act for the people, with their consent; they oppress the people, in contempt of all rightful authority. You administer to the wants and redress the wrongs of the people, in accordance with their will; they listen to the petitions of the people only when it is agreeable to their own will or in obedience to stern necessity. There is no other rightful title to power, but that of representative of the people, and the man who is clothed with that, may well feel proud. Let us join in thanks to the great Disposer of all things, that the people of Kentucky have not as yet been compelled to acknowledge any other rulers; and that while He has filled our houses with health, clothed our fields with plentiful crops, and given a bounteous increase to our flocks, He has enabled us, in the main, to maintain our representative government in its purity.

One of the most important subjects that demand your early and assiduous attention, is a revision of our Execution Laws. Frequent legislation, and the decisions of courts, have filled them with intricacies, which, however beneficial they may be to those who live upon litigation, are fatal to the best interests of the people. In every species of government, and especially in a republic, simplicity in the laws is essential to public prosperity. Every good citizen desires to know enough of the laws to avoid violating them, and to avoid infringements of his own lawful rights. Unintelligible laws are no better than unpublished laws, known only to the tyrant who makes them. As well might our Execution laws, like the laws of the Roman tyrant, be written so small and posted on pillars so high that the people could not read them, as to be presented to them in a form which it is impossible for
them to understand. I, therefore, deem it the first duty of the representatives of the people, at their present session, to mature a plain and simple system of Execution Laws, adapted to the present condition of society and the comprehension of every description of our fellow citizens. If I might be permitted to hazard an opinion as to the leading features of the system, it would be, that the remedies afforded for the collection of debts or the enforcing of other rights, should be as cheap and expeditious as practicable, without undue sacrifices of the property of defendants. I have long thought a substitute might be found for the present system of replevin, equally safe to the creditor and less oppressive to the debtor, who is now taxed with accumulating costs and commissions, not for the benefit of society, but for the support of an unnecessary number of ministerial officers. It is the part of wisdom, not to be so far wedded to ancient systems as to shut our eyes to their obvious defects. It is the spirit of improvement only which has made us free, and is rapidly ameliorating the condition of mankind in general. We should, therefore, no more retain the replevin system which we have derived from Virginia, than we should return to the government of monarchy, because that was the system of our fathers.

The entrusting of the decisions of questions involving the lives and liberties of our fellow-citizens to a single judge, without appeal, as is now the case in our circuit courts, has never appeared to me consistent, republican or safe. In questions which relate to property, our constitution and laws have provided for an appeal from the opinions of the circuit judge to a Court of Appeals, consisting of three judges; so that no man can be deprived of his property, as he may think, wrongfully, without the concurrence of at least two judges. But his life and his liberty may be placed at the entire disposition of one judge, whose opinion on points of law in criminal trials, is final. Man is not free from partiality, prejudice, caprice, ignorance and corruption, in America, because the general scope of our government is republican and free. The judge may play the tyrant as well as the monarch, and the blood of innocence may attest, even in Kentucky, the danger of entrusting the decision of any question on which life and liberty are suspended, to a single individual. I, therefore, deem it my duty, before we are admonished by some awful example, to call your attention to the circuit courts, and recommend an increase in the number of judges, at least in all cases involving the life and liberties of the citizen.

General education is one of the fundamental interests of the state, the importance of which is universally acknowledged, and the promotion of which is almost universally neglected. Popular intelligence, which constitutes the basis of freedom and its best security, ought to be a leading object with every republican le-
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Some of the monarchs of Europe, aware that the diffusion of information among their subjects is dangerous to their thrones, have taken steps to discourage seminaries of learning and diminish the number of students. It becomes all those who prefer free government, to adopt the contrary policy, and secure the blessings of liberty by enabling the people universally to appreciate them. This state has appropriated freely of its lands to the county seminaries, and of its funds to the Transylvania University. The lands thus assigned to the interests of education, have been generally lost through neglect, wasted in temporary projects, or are lying useless to those institutions and to the people. The system of county seminaries has been almost an entire abortion, attended with the loss of an immense fund to the state. It is feared by many, that the fate of the Transylvania University is not likely to be much better. For a short period, it appeared to flourish, and seemed to be gaining an extensive celebrity. Latterly, it has fallen as rapidly as it rose. Whether the late appointments made by the Trustees will enable it to regain its importance and take the lead among the literary institutions of the state, remains to be proved by the event. That institution is too important to be abandoned, and I trust you will do every thing that can properly be done, to aid the efforts of the newly appointed officers. It is your especial duty to see that the funds of the institution are not jeopardized or wasted. On this subject, hints have been thrown out in the public papers, that the Trustees have not proceeded with due caution; and although these are not sufficient to authorize the forming of a definitive opinion, they make it my duty to call your attention to an investigation of that subject. It is due to the people, who own this institution, that all doubts in relation to the prudence of its management, should be put to rest.

Could the Transylvania University be placed in the most prosperous state, little would be done towards promoting the great causes of general education. This can be done only in the adoption of a system of common schools, coextensive with the state, and accessible to the children of all our white population. Comparatively few are able to send their children to our University or Colleges, or even to the county seminaries, were they all in full operation. They must have schools in their own neighborhoods, so that their children can board at home while pursuing their studies, before they can enjoy the benefits of education. The experience of other states has proved, that such a system is practicable, and it needs but a little enterprise in us, to enable Kentucky to realize all its blessings. In some of our sister states, the system is supported by a voluntary ad valorem tax, levied by the people on themselves, in primary assemblies. It is practicable in Kentucky, to divide the counties into wards, and authorize the
people of each ward, in public meeting, to tax themselves for the support of a school. By leaving it voluntary with the people to tax themselves or not, there would be left no just ground of complaint, while, it is believed, the example of a few wards, which would, by a moderate tax, keep up a respectable school for many months each year, would soon be imitated, and the system become practically universal. There cannot be a doubt, that system in this, as well as every thing else, would much diminish the expense, and that the people would receive much greater benefits from the money paid for education than they do now.

It would not be difficult for the state to raise a public fund in aid of the exertions of the wards, if it should be deemed expedient. The school fund in the Commonwealth's Bank is considerable. It might be increased by resuming the grants to the county seminaries in all cases where they are not applied in the support of a school. It might be further augmented, annually, by requiring all fines and forfeitures to be paid over for that purpose. A due proportion of the interest of this fund would encourage the wards to levy a tax on themselves in aid thereof, and thus more rapidly extend the benefit of the system.

But it is not my duty to prescribe the details of any system. I have thrown out these suggestions, with the hope that they may aid your minds in devising the means of accomplishing an object of the first importance to the state and to the permanency of our free institutions.

Internal Improvements constitute, also, an important interest, in which the state of Kentucky has done nothing. Pennsylvania, New-York, and even our younger sister, Ohio, have set examples worthy of empires, while Kentucky has folded her arms in apparent indifference to this great interest. It will ever be a subject of deep regret, that in a moment of excitement, the legislature gave into private hands the digging of the Canal around the falls of Ohio, and thus threw away a source of revenue as lasting as that noble river. The folly of that moment ought ever to admonish us to look upon the great interests of the Commonwealth, Education, Internal Improvements and Revenue, with an eye unjaundiced by faction, and a mind unwarped by the temporary designs of party. The controversy about old court and new court is finally settled, as all knew it must be, in the course of one or two years; but the benefits to the state, in the making of the Louisville Canal, which the feelings originating with that controversy, induced the legislature to throw away, can never be reclaimed. I do not say this in a spirit of reproach, but only with the object of exciting to reflection, and inducing every man to fix his eye upon certain great interests of the Commonwealth, which ought never to be made subservient to the temporary objects of party, or involved in its collisions. The state of New-
York affords us an illustrious example, in which party strife has raged with uncommon violence, and yet the state has marched on in the path of prosperity and glory, until she has eclipsed all of her once more powerful sister states. It was because all her statesmen, of every party, were devoted to her best interests, which were never made subservient to schemes of temporary advantage or individual ambition.

But, although we have lost one important object of Internal Improvement, and an enduring source of revenue, there are others still within our grasp. If it be possible to avoid it, no power should be authorized to raise a revenue from the people but the government itself. It is doubtless better for the people to pay toll to incorporated companies, for good bridges and good roads, than not to have them; but it would be better still, if all these tolls could be paid into their own treasury. A government which raises its revenue by dispensing blessings, must be doubly dear to the hearts of the people. Kentucky must have good roads.

From year to year, the principal avenues of commerce through this State are becoming worse and worse. Our government must allow to private companies tolls adequate to induce them to make the necessary improvements, or undertake them itself. As far as practicable, the latter is certainly the best alternative. The capital of the State cannot be better or more safely vested, than in making good roads on the principal routes, upon which reasonable tolls should be exacted, to be paid into the State treasury. One road may thus be made to improve another, until all the principal routes in the State shall be made as perfect as practicable, and the tolls will yield a rich revenue to the people's treasury, enabling them to support many liberal institutions, and perhaps the government itself, without direct taxation. To your wisdom I commit the subject, with the earnest hope that you will not separate until some system of Internal Improvement has been adopted, worthy of the age in which we live and the people whom you represent.

Although it is acknowledged, that a well organized Militia is the safety of a government which does not rely on standing armies for defence, the Militia of Kentucky has been suffered to dwindle away, until it is scarcely the skeleton of its former self. Frequent innovations, under the name of amendments, have almost destroyed the system, and I doubt the practicability of raising it into importance, except by an entire reorganization. Our musters are becoming a mockery to all military parades, useless to the men, and mortifying to the officers. Indeed, in some places, it has been found almost impracticable to find individuals willing to hold commissions, once deemed so honorable, on account of the disorder into which our Militia system has been suffered to fall. It seems to me, that steps ought to be taken to
keep up at least a quota of officers, and inspire, if possible, some pride in the use of arms; so that, in case of emergency, our effective population may not be found destitute both of commanders and weapons. If there be time for nothing more, during your present session, I would suggest the expediency of amending the law as to vest some discretionary power in regimental courts, for the assessment of fines, under proper limitations and restrictions, which would ensure full parades, save the officers from mortification and discouragement, revive military pride, prevent frequent resignations, and place the whole system on a more respectable footing.

I am gratified in being able to state to you, that the present condition of the Penitentiary evinces the wisdom of the change of system which identified the interest of the Keeper with the interest of the State. It has ceased to be an annual burden on our treasury, and while it rewards the industry and perseverance of the Keeper with liberal profit, it promises to yield a considerable revenue to our treasury. Much labor-saving machinery has been constructed, and new branches of manufactures introduced, which promise to be highly advantageous, and give this institution the appearance of a busy and extensive manufacturing establishment, rather than a place of punishment. The convicts themselves, though constantly at labor at all proper hours, have the appearance of good usage, and seem as contented as men could be in such a situation. Much pains is also taken to inculcate upon them moral and religious principles; but I regret to say, that these efforts have been attended with but little success. The frequent and speedy return of convicts, under sentence for new crimes, committed almost in the first moments of their release, admonish us that we must not be too sanguine in looking to our Penitentiary as a means of reformation. Instances are known, in which they have formed associations within the Penitentiary, to plunder and rob as soon as they get out; and without further legislation, they may constitute a kind of bandit, which will be dangerous to society. Would it not be better for the State, and safer for the people, in cases where repeated convictions for high crimes have proved the utter hopelessness of reformation, so to change the law as to confine these incorrigible offenders for very long terms, or even for life? They might then be made to support themselves, instead of living upon the plunder of honest citizens, and by their earnings, render to society some slight compensation for the evils they may have inflicted. By a call on the Keeper of the Penitentiary, you will be enabled to learn the number of the convicts which have been returned to him within any given period, since he had the management of that institution, and the crimes of which they now stand con-
victed, by which you will be enabled to appreciate the importance of the remarks I have submitted.

Permit me to say, gentlemen, that I view the poll tax levied on our fellow citizens for county purposes, as wrong in principle and oppressive in practice. The principle which gave rise to the Revolution, and made us a free republic, was, that the people ought not to be taxed without their consent. Rather than pay three pence per pound upon tea, when exacted by any other authority than that of the people's representatives, our fathers plunged their country into a doubtful war, and maintained the bloody conflict through a period of seven years. What voice have the people's representatives in laying the poll tax which we annually pay? It is imposed by the County Courts, the justices of which are not elected by the people, and but remotely responsible to their authority. On the contrary, they are a self-sustained, if not a self-created body, over whose decisions the people have no immediate control. It is a violation of principle, to suffer such a body to tax the people at all; but the violation is the more flagrant, when they are required to tax all, the rich and the poor, precisely alike. Property affords the only means of paying taxes, and for the protection of property most of the institutions of society have been established. It would seem, therefore, but right, that men of property should pay for sustaining them, especially as men destitute of property are now required to render, in service upon juries, labor upon roads, and military duty, an equivalent for personal protection. I can but consider the poll tax as a remnant of the Virginia system, in the management of which, men without property of the most durable kind, have no voice; and it has remained among us, more because it is a practice sanctioned by custom, than because it would stand the test of sound principle or good policy. The Legislature have rendered it less terrible to the poor, by restricting the county levy; but, in my view, it is an unjust tax, and ought to be superseded by an ad-valorem assessment upon the same property which yields our State revenue.

From the annual reports of the Auditor and Treasurer, you will learn that there has been a great diminution in the revenue of the State. It is the special duty of the people's representatives to watch over their pecuniary concerns, and to their wisdom I commit this subject, with the single remark, that I earnestly hope the legislature will not, in providing for the exigencies of the treasury, take the capital of the State to pay its debts, when they can so easily increase its income.

Gentlemen, there are a variety of subjects involving the sovereignty of the State over which my fellow citizens have called me to preside, which I am reluctant to notice in the language of impotent complaint; and yet I cannot, consistently with my sense of
duty to the people, pass them over in silence. Perpetual vigilance is the only condition upon which man is permitted to enjoy the blessings of liberty; and however dreary may be the prospect which presents itself to his watchful eye, it is his duty never to slumber.

I have frequently endeavored to point out to the legislature of my State, the dangers which threaten us from the Bank of the United States, and I cannot consider them as less at this moment; because that bank is silently rising on the ruins of almost every other monied institution, is accumulating property within the State, and bringing countless multitudes within the sphere of its influence; while, by the decisions of the United States Supreme and Circuit Courts, it is made wholly independent of State authority, and presents the anomaly of corporate powers exercised within a sovereign State, wholly independent of its legislature, and even constitutional power, in their nature hostile to society, and dangerous to the liberties of the people. Whether as a magistrate or a citizen, it will always be my pride to protest against the existence of this institution, as it would be my pleasure to aid the legislature of my State in all peaceful means to drive its dangerous influence beyond the borders of our State.

As to the decision of the Supreme Federal Court, disrobing Kentucky of her sovereignty in relation to her Occupant Laws, hope has been deferred until the heart is sick. We have been mocked with the hope of relief in the reorganization of the Supreme Court, while professions have been falsified by acts, and every movement of the general government only seems intended to rivet upon us the unjust principles of which we complain. So long as Kentucky cannot legislate over her own soil, or prescribe limitations to actions brought against her citizens, she cannot claim to be a sovereign State, she cannot consider herself the equal of her sister States: she is in a more hopeless condition than a colony dependent on a mother country for all its laws; for there exists no legislative power on earth which can give her redress. The written constitution of the United States becomes, in this respect, a tyrant of the most inexorable description. A Nero might be moved to do justice by sympathy for the distressed, or at least by caprice of temper; but the constitution, as construed by the Federal Courts, cannot be moved to relent or change, by the petitions, prayers or tears of suffering thousands. If these principles were to be carried into all their details, it would be better for Kentucky to surrender her separate existence and seek relief in a re-union with her parent State, by which her people would regain those legislative rights, essential to their prosperity, which indeed they never intended to surrender. I am unable to recommend any course which will lead to certain relief. The only measure which seems to promise any benefi-
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...victorious, to enjoy our rights and respect our Government to the utmost...

...of the nature of a petition from the General, or the legislature, or the very people. The nature of the subject obliges us to state its great importance, as a scheme of separate and autocratic authority, to...sure, and...society, to a...best...their legal and...society...government, for the...of this...of Kentucky, they...made...in...the...imprison...for debt...on the order book of their clerk: Unknown to the people, they were...by the order of...themselves supreme. In this instance, two Judges...the people of Kentucky...to absorb both the other departments of government and make themselves supreme. In this instance, two Judges have made the law; and by their power over the Marshal, they...
carry it into execution. Here is a despotism, not theoretical, but direct and practical, now exercised almost daily, on our fellow citizens, friends and neighbors.

This power is claimed by a pretended delegation to the Courts by the Congress of the United States. I deny the intention to delegate, the power to delegate, and the right of Congress itself to make such laws. The obvious meaning of the acts of Congress on the subject, has seemed to me only to confer on the Federal Courts the power to modify the forms of their process, so as to suit the existing and varying condition of the execution laws in the various States. But had Congress the intention to confer on the courts any thing beyond forms, they had not the power. The people, by their constitution, have vested the legislative power of the government in a Senate and House of Representatives, but have not authorized a further delegation of that power to the Judges, or any other person or functionary. As Congress cannot delegate their legislative powers, the effort to do so, if it was ever made, was nugatory and void, and could confer on the Judges no more rightful power than a pretended delegation from the King of Great Britain. But I deny the power of Congress itself, to enact such a system of laws. The powers of that body are all delegated powers. I can find in the constitution no grant to them of a power to pass execution laws; nor does it seem to me to be granted as an incidental power. It is unreasonable to suppose the people ever intended to have two separate systems of execution laws enacted for their government, one by Congress and the other by their State Legislatures, prescribing different modes for the transfer of their property and the disposition of their persons. Nor could it have been intended that Congress should have power to prescribe a separate system for each separate State, or one general system which would govern all the States and entirely supersede State legislation on the subject. It never was intended, that the slaveholders of Virginia should make laws for the transfer of property in Pennsylvania, or that the farmer of Pennsylvania should prescribe how the slave or the freemen of Virginia should be disposed of, when under execution. No; these things were never intended or imagined; but it seems now to have become the study of many of our eminent statesmen, to concentrate all possible powers in the hands, not of the general government only, but of a particular department of that government. Hence, we have two Judges legislating for Kentucky, and executing their own laws, as if we were a Roman province governed by pretors or proconsuls.

The same court adopted a rule at its last May term, which, perhaps, they might have intended, as an amelioration of their former rules of which we complain, but which does not materially effect the subject, as it only applies to the valuation of landed
property. The consequences which will necessarily arise, from these rules being imposed on the people, will not only be deleterious, but the principle of imposing, by an assumed power, execution laws on the community, ought to form a serious objection, inasmuch as it is an encroachment on State rights, the abstaining from which, is important to the perpetuation of the union of the States and the safety of American liberty.

If our sister States could be made fully sensible of the tendency of the steps taken by the Federal Courts, our grievances would soon be redressed. They would perceive, that if this power be tolerated, all the checks and balances of our government are utterly subverted, and our liberties are at an end. I hope, therefore, the present General Assembly will take efficient means to make our condition known to our sister States and the general Congress, soliciting their co-operation in remedying the present, and guarding against future evils.

The Legislatures of the several States are the only channel through which it has been deemed safe to introduce amendments into the constitution of the U. States. It is, therefore, one of the duties of each constituent part of the legislative body, to consider whether that instrument needs amendment. At the last session of the General Assembly, I had the honor to call the attention of that body to an amendment taking the election of the President and Vice President out of the hands of electors and members of Congress, and vesting it in the people. The subject was taken under consideration, but left among the unfinished business. Since that time, the reasons in favor of the amendment have rather increased than diminished.

It is thought by some, that those who had the chief agency in prescribing the present mode of electing the President and Vice President, did not intend, that the people should have any other voice in the election than to choose unpledged electors, leaving them to select those high functionaries according to their own judgment and will. If such was their intention, it was immediately and properly defeated by the people, who required the candidates for the electoral college to pledge themselves for whom they would vote, before they bestowed their suffrages upon them. It is now a settled principle, that the electors in choosing a President and Vice President, are bound to obey implicitly the will of the people. The people judge for themselves of the qualifications of the candidates, and only make use of the electors to pronounce their decision. If it be true, that it was the original intention of the framers of the constitution that the electors were to judge of the qualifications of the President, that intention is wholly defeated in practice, and the electors have become a piece of useless machinery encumbering the system, which ought to be abolished. The people decide upon the man.
who shall be President, and direct the electors to vote for him; the electors implicitly follow those directions, and speak the voice of the people. Why not save the trouble of choosing electors, and let the people speak their own voice directly at the polls? Why should they incur even the remotest danger of being betrayed by the electors, when they can with the utmost ease and convenience, speak their own will without an intermediate agent? Is it wise in a man to trust an agent when he can just as well do the business himself? Is it not fully in him, when it takes more time, trouble and expense to choose the agent, than it would to do the business? Is it easier and better for the Pennsylvanian to vote for twenty-eight electors at the polls, than to say Jackson or Adams? The system of electors ought, therefore, to be abolished, because it produces useless trouble, expense and hazard.

But that part of the system is not so dangerous as the election by the House of Representatives, in case the electors fail to unite a majority of all their votes on one candidate. In this election the vote is given by States, the delegation of each State having one vote. The several delegations first vote among themselves, and a majority decides how the vote of the State shall be given.

It seems to me, that a system more accessible to corruption could scarcely be invented. By the constitution, the President is left at liberty to appoint the members of the very Congress which elects him, to places in his cabinet, to foreign embassies, and to all the honourable and lucrative offices in his gift. In many instances, the vote of a State depends on the voice of one man, and in a close contest, the candidates have the most powerful inducements to hold out the hope of office and reward, or even to promise executive favors directly, in consideration of a vote. Human nature is the same in all ages and countries; self-interest is the source of human action; many who would repel the advances of direct corruption, may be induced to bestow their suffrages contrary to the will of their constituents, by hopes of personal advantages rather insinuated than promised, and thus the ambitious aspirant is enabled to attain his object without incurring positive obligations. Considering the variety of characters which compose the Congress of the United States, and the means of influence within the reach of an artful candidate, it is to be expected, that the most unprincipled and the least scrupulous of those on the list of competition, will generally succeed. In every contest of this kind, we are therefore in danger of having a President imposed upon the country against the will of a majority of the people.

Unbiassed reason is sufficient to teach us the danger of these elections by the House of Representatives; but when reason is aided by experience, the argument in favor of amendment must...
be conclusive. Who does not remember the effort to place Aaron Burr at the head of our government, contrary to the known will of an immense majority of the people? The Union was shaken by the effort; and had it been successful, it is impossible to conjecture what might have been the fatal consequences. In the late election, there are many who believe the will of the people was entirely disregarded. Nor is the argument in its favor much weaker, when addressed to those who believe the election to have been fair and honest. Look at the condition of our country. When was it more agitated with parties and factions? Are not these the natural and inevitable fruits of this mode of election? Admit that the incumbents in office have conducted themselves with the utmost purity and propriety; is not that system a bad one, which exposes good men to so many charges and suspicions, and even endangers their final prostration? It seems to me, therefore, that all true republicans ought to unite in favor of an amendment which will not only cut off the sources of corruption, but of suspicion also.

I should approach the constitution with great reverence, and it would be with a trembling hand that I should disturb any of those original compromises on which the Union was founded. Nothing but extreme necessity could justify an attempt so to amend that instrument as to disturb the balance of power among the States, as originally adjusted. In relation to this amendment, no such dangerous experiment is necessary. In the first instance, a majority of the votes in each state, given by the people themselves, may be made to count as many votes as it now has electors; and in the second instance, the same majority may be made to count one vote. Thus the principles of compromise on which the President is now elected, would not be changed; in the first attempt it would be a vote by the people of the United States; in the second, a vote by the States; but in both instances, the people themselves would be the active agent in giving the vote, and the sources of corruption and faction would be cut off. The arguments drawn, both from principle and practice, in favor of this amendment, are so conclusive, that I earnestly hope it will meet with your early and efficient attention. As good and sound as our constitution is, it was but an experiment, and it cannot be too good or too sound to be made better, in accordance with the increasing lights of reason and experience.

In considering the subject of amending the constitution in regard to the election of a President, my mind has been brought to reflect on that provision in our state constitution, which disqualifies the Chief Magistrate from being eligible for immediate re-election, after the expiration of the term during which he officiated. It seems to me to be one of the most salutary principles which could have been introduced, to preserve the purity of our
government. The Executive is by these means, divested of all motive to abuse the power and patronage confided to him, or to swerve from the honest discharge of any of the duties of his station, for the purpose of securing his re-election. If it were the design of the Chief Magistrate, on entering his office, to become a candidate for the succeeding term, (and it is not improbable that it would be the case in most instances, as few relinquish power but with reluctance,) is it probable, with the temptation continually presented to him, that he would fail to use the means placed at his disposal, to effect the object nearest his heart, the continuance of his power? How far the administration of the government would be diverted from its proper object, the public good, to promote the end of securing the re-election of the individual directing it, would depend much upon the character of that individual; but there is no one acquainted with the frailties of his own nature, who will not admit, that every man, even the most honest, would be swayed, however unconsciously, by motives compounded of passions so strong as pride, interest and ambition. Our constitution has most wisely provided, that those entrusted with the execution of the powers it confers, shall not be subjected to such a trial. But if this precaution was judged proper to guard against abuse of the little power confided to a Governor, in the minor sphere of state politics, by the patriots who framed our constitution, how much more important is such a provision, to protect the nation from the mischief of similar circumstances, not acting upon a solitary individual, but upon a whole confederated Cabinet, always composed of men able to wield their power to advantage, and each possessed, in his separate department, of much more influence and patronage than is committed to the Governor of any state in the Union? We have not as yet, experienced the full effect of such a coalition of strong men, armed with the power of the government and exerting it for the purpose of perpetuating that power. The revolutionary patriots, Washington, Jefferson, Madison and Monroe, called to the Presidential chair by the decided will of the people, were continued in it a second term, without competition; and voluntarily retired from it; but the line of Presidents drawn from the founders of the Republic, who felt their fame united with the success of their experiment, must soon be limited; and as every election must hereafter be contested, the attempt of every incumbent in office to continue his power, or to transmit it to any of the favorites whom he may call around him in his Cabinet, must uniformly be attended with an abuse of the high functions of his station, for the effectuation of that object. The present generation may yet see the Press, the palladium of public liberty, turned into an engine of government, influenced by the patronage of those in power, to embrace their cause, while a sedition law may hold out
its terrors, to silence such of its conductors as may prove too independent to be purchased. It may see new embassies created, extraordinary outfits and salaries paid, and immense sums drained from the public treasury by the general administration, for the purpose of securing states, as Mr. Jefferson calls it, by "the bait of local interest," or for the more unworthy purpose, of carrying the state elections in favor of its partisans; and what is most to be deprecated and deplored, it may see one section of the Union oppressed, to foster the interest of another, great conventions called to unite and array the strength of the several states supposed to be interested in enforcing the imposition upon the rest, and all the differences and prejudices existing from the diversified condition of the various portions of the Union, called into action and aroused, and the safety of the confederacy endangered, by an attempt on the part of the administration to purchase the support of the strongest section, by unjust concessions, when it cannot command its favor through the means of its affections. The great functionary who has the principal agency in giving direction to the measures of government, is the most able to produce those mighty collisions among the States, by exciting their hopes and fears. Clad with the extraordinary power conferred by his station, like Sampson in the temple, he can place his hands on the pillars which support the mighty edifice of the confederacy, and endanger, if not shake down the whole fabric. The temptation should, therefore, be taken away. When all hope is cut off by the express letter of the constitution, the attempt of any individual, however beloved, to perpetuate the supreme power in his hands, in any shape, would alarm the nation, and defeat the purpose. The sole motive which could have induced the patriots who composed the convention, with Washington at their head, to adopt a constitution containing no provision to prevent an individual from holding the office of President for life, was the wish that the States might not unnecessarily be deprived of the services of an individual in whom the country felt disposed to confide, and who might be better able to discharge the duties by the experience he had gained in the employment. But General Washington, when he came to act, evidenced, by the example he gave, that bounds should be set to the enjoyment of that power, for which the constitution had provided no absolute limitation. He found by the workings of his own Cabinet, that ambition would be busy to build on the power it had obtained; that public discontent was likely to rise into resistance to the doctrines which some, under the shadow of his great name, were endeavoring to inculcate, and that growing opposition could only be suppressed by the use of means which he scorned to employ. The moderation and forbearance which belonged to Washington are rarely found in any man who attains the highest place in govern-
The public interest and safety would be better secured, if the constitution imposed the proper restrictions, leaving nothing so important to depend on the temper of the Chief Magistrate; but, by divesting him of all expectation of enjoying a second term in the office, save him from the necessity of making his whole administration of the first term, an unceasing electioneering struggle to obtain another. The idea that the same individual should be placed at the head of the government for a succession of terms, that the benefit of his experience might be procured, is, in my opinion, fallacious. The exercise of power is more likely to corrupt, than to improve those by whom it is exerted. And no man is likely to be advanced by the voice of a people so intelligent, independent and patriotic as our countrymen, to preside over the destinies of the Republic, who is not capable at first, from experience in public affairs, to discharge the duties of the station. If his term of service be short, he will be the more zealous and industrious to signalize his brief administration, by conferring permanent benefits on his country, that he may live in its recollection. It was the operation of this principle, it is said by historians, which rendered the Roman Consuls such efficient public servants, and which advanced, with such rapidity, the glory and power of the wonderful Commonwealth. Rotation in office, was a maxim on which the Roman Republic acted. The chances being thus multiplied, every individual who distinguished himself in the service of the state, had hopes of attaining its highest honors. This animated every man to exertion, and the result was, that during the days of her freedom, that nation was made illustrious by counting among her public servants, a greater number of able and patriotic men, than has ever fallen to the share of any other people. If we place the great offices of the government within the expectation of many of our fellow-citizens, we may also count on a multitude who will be able, and will deserve to fill them. At present, our institutions seem to be based on the supposition, that all the States may not, in the course of a generation, be able to furnish more than one or two men capable of presiding as the head of the Republic.

Experience has proved to my satisfaction, that a considerable portion of the time for which a President of the United States is elected, is devoted in securing a re-election to a second term; consequently, the government is not fairly and truly represented or administered. I, therefore, would recommend, that a proposition be made by this State, to the sister States, for the purpose of rendering a President of the United States ineligible to the office for a second term of service.

Gentlemen, this is probably the last time I shall ever address the Legislature of my country upon their annual convention. When I entered upon the duties of Chief Magistrate, it was
with the utmost diffidence in my abilities to discharge the arduous duties of that important station. Events which it was impossible to foresee, have rendered my situation peculiarly difficult and embarrassing. A concurrence of untoward circumstances seemed combining to overwhelm me. With rectitude of intention, I breasted the storm, and have endeavoured to meet my public responsibilities as became a man and a patriot. I am not conscious of the slightest deviation from the path of duty; but if I have erred, my errors will be pardoned by the high minded and liberal, under the belief that my intentions were pure, and the good of the people my first consideration. The asperities and party feelings arising from the late controversy, are fast subsiding. Truth, justice and humanity are gaining their empire. I can now proudly appeal to the manner in which I have discharged the duties of my station, to test my motives and vindicate my reputation.

JOSEPH DESHA.

December 6, 1827.

Ordered, That the public printer forthwith print five hundred copies of said message for the use of the Senate.

The Speaker laid before the Senate, a letter from the Auditor of public accounts, covering his annual report of the situation of that office, for the year ending on the tenth day of October last; which are in the following words, to-wit:

STATE OF KENTUCKY
Auditor's Office, Frankfort, 6th Dec, 1827.

DEAR Sir—Please lay before the house over which you preside, the documents accompanying this, from No. 1 to 9 inclusive, and oblige,

Yours respectfully,

ROBERT B. M'AFEE, Esq. Lieut. Governor, &c.

No. 1.

A Statement of monies received and paid at the Treasury, for the year ending on and including the 10th day of October, 1827, to-wit:

For Bank Stock Fund, to-wit:

On lands granted under the acts of 1815, 20 & 25, (denominated land warrants,) $2,667 46

Do. under the acts 1795, 97, and 1800, (denominated Headright land,) 3,621 14

Do. under the acts for appropriating the lands acquired by the Treaty of Tellico, 125 74—6,414 34

For tax on Non-Residents' lands, 2,405 04

Do. on redemptions of Non-Residents' lands, 60 88—2,165 92
For amount received for the benefit of the purchasers of Non-Resident's lands, $16 08
For Miscellaneous Receipts:
Received of the Revenue collectable by Sheriffs,
For the year
1820, 91 55
Ditto, 1822, 76 89
Ditto, 1823, 134 57
Ditto, 1824, 1,031 91
Ditto, 1825, 33,650 83—39,985 80
For tax received on law process, deeds, seals, &c. by Clerks of the Circuit and County Courts, 13,103 59
For fees received by the Register of the Land office, 1,605 73
Do. do. the Secretary of State, 56 05—14,765 37
For amount received of the Bank of Kentucky, for the distribution of Stock, 59,670 00
For amount received of the Bank of the Commonwealth of Kentucky, as revenue, 36,115 17
For amount received for the sale of lands East of Cumberland river, (lying in the State of Tennessee), 53 00
Do. do. do. West do. do. do. 479 25
For amount received for the sale of lands West of the Tennessee river, 19,228 25
For amount received from the Agent and Keeper of the Penitentiary, 1,021 50
For amount received from the treasurer of the town of Mayfield, 120 75
For amount received for the sale of warrants to be laid on forfeited lands, 127 00
For amount received for the sale of warrants to confirm titles to forfeited lands, 10 00

Total amount received, $230,543 06

Paid same time:
Warrants paid by the Treasurer, $155,440 41
Stock subscribed in the Bank of the Commonwealth of Kentucky, 59,670 00

Total Expenditures, $215,110 41
Amount of a credit given the Treasurer for an error committed in charging the receipts of this year, 42 00

Total credits, $215,152 41
[Dec. 6.]

THE SENATE.

Balance due from the Commonwealth, on the 10th day of October, 1826,

\[ 20,820.58 \]

Making a sum of \[ $235,972.90 \]

From which deduct the amount of receipts, as above stated,

\[ $230,543.06 \]

Which leaves the Commonwealth in debt on the 10th day of October, 1827,

\[ $5,429.93 \]

No. 2.

A Statement of warrants drawn by the Auditor of public accounts on the Treasurer, from the 10th day of October, 1826, to the 10th day of October, 1827, inclusive, shewing the amount of warrants drawn for each source of expenditure, and the amount of warrants paid and unpaid during said time, to wit:

Executive offices, for fuel, stationary, &c:

Auditor's office, \[ 393.26 \]
Treasury's office, \[ 121.56 \]
Land office, \[ 776.83 \]
Secretary's office, \[ 561.49 \]
Public Printer for advertising Non-Residents' lands, \[ 121.80 \]

Criminal prosecutions:

Witneses' attendance, \[ 3,301.91 \]
Witnesses' attendance, \[ 11,406.26 \]
Sheriffs for apprehending persons, \[ 82.00 \]
Constables for apprehending criminals, \[ 1,158.87 \]
Do. for summoning witnesses, \[ 457.95 \]
Do. for apprehending persons, \[ 44.54 \]
Sheriffs for conveying criminals to the Penitentiary, \[ 991.53 \]
Do. for summoning Venire, \[ 343.92 \]
Do. for summoning witnesses, \[ 306.36 \]
Do. for executing process for contempt of court, \[ 369.59 \]
Coroners for summoning witnesses, \[ 4.83 \]
Guards, \[ 1,871.56 \]
Coroners for apprehending criminals, \[ 4.00 \]
Sheriffs for guarding criminals to jail, \[ 228.56 \]
Dr. for executing condemned persons, \[ 20.84 \]
Do. for apprehending criminals, \[ 254.00 \]
Constables for ironing criminals, \[ 5.60 \]
Do. for conveying criminals to jail, \[ 149.26 \]
Sheriffs for serving attachments, \[ 51.51 - 20,974.00 \]

Jailors:—Attendance on court, furnishing
fuel, candles, &c.

\[ 2,995.06 \]

Do. Dieting criminals, \[ 3,158.92 \]
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do. Committing &amp; releasing criminals</td>
<td>118.15</td>
</tr>
<tr>
<td>Do. Pay of guards for jails</td>
<td>80.00</td>
</tr>
<tr>
<td>Do. Ironing criminals</td>
<td>61.93</td>
</tr>
<tr>
<td>Do. Guarding criminals to jail</td>
<td>18.19</td>
</tr>
<tr>
<td>Do. Apprehending criminals by act of Assembly</td>
<td>174.50</td>
</tr>
<tr>
<td>Public communications for postage on letters to and from the Governor and Secretary of State</td>
<td>538.68</td>
</tr>
<tr>
<td>Do. Auditor of public accounts, including postage on commissioner's books</td>
<td>304.51</td>
</tr>
<tr>
<td>Do. Quarter Master General</td>
<td>56.86</td>
</tr>
<tr>
<td>Do. Adjutant General</td>
<td>327.49</td>
</tr>
<tr>
<td>Contingent Expenses:</td>
<td></td>
</tr>
<tr>
<td>Binding extra acts of Assembly</td>
<td>146.50</td>
</tr>
<tr>
<td>Repairs of public buildings and yards</td>
<td>169.63</td>
</tr>
<tr>
<td>Collecting an execution of the Sheriff of Livingston county</td>
<td>18.31</td>
</tr>
<tr>
<td>Salary, stationary, &amp;c. of the Receiver of public monies west of Tennessee river</td>
<td>316.75</td>
</tr>
<tr>
<td>Tipstaff Court of Appeals &amp; Gen Court</td>
<td>1,183.50</td>
</tr>
<tr>
<td>Articles furnished the Register, Auditor, Secretary and Treasurer</td>
<td>281.33</td>
</tr>
<tr>
<td>Printing for public officers</td>
<td>2.66</td>
</tr>
<tr>
<td>Commissioners of tax—for taking in lists of taxable property</td>
<td></td>
</tr>
<tr>
<td>Salaries—Executive department</td>
<td>7,640</td>
</tr>
<tr>
<td>Judiciary department</td>
<td>27,520.26</td>
</tr>
<tr>
<td>Attorney general</td>
<td>300.00</td>
</tr>
<tr>
<td>Attorneys—for their salaries</td>
<td>4,784.90</td>
</tr>
<tr>
<td>Military expenditures—Brigade Inspectors</td>
<td>239.50</td>
</tr>
<tr>
<td>Repairs of the repository of Public Arms</td>
<td>9.50</td>
</tr>
<tr>
<td>Witnesses attendance</td>
<td>14.93</td>
</tr>
<tr>
<td>Provost Marshals</td>
<td>28.50</td>
</tr>
<tr>
<td>Judge Advocates</td>
<td>31.00</td>
</tr>
<tr>
<td>Lunatics</td>
<td>950.97</td>
</tr>
<tr>
<td>Idiots</td>
<td>8,956.15</td>
</tr>
<tr>
<td>Decisions Court of Appeals—for pay of Reporter</td>
<td>350.00</td>
</tr>
<tr>
<td>Clerks services—pay of county court clerks for making out lists of taxable property</td>
<td></td>
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<tr>
<td>Ex-officio services</td>
<td>3,382.60</td>
</tr>
<tr>
<td>Presses furnished offices</td>
<td>210.53</td>
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<tr>
<td>Record books</td>
<td>2,310.13</td>
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<tr>
<td>Pay of S. Curd for copying entry books</td>
<td>156.12</td>
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<tr>
<td>Sheriffs for revenue of 1825—for revenue overpaid</td>
<td>89.93</td>
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<tr>
<td>Do. revenue of 1824—revenue overpaid</td>
<td>10.97</td>
</tr>
</tbody>
</table>
Dec. 6.] THE SENATE.

Kentucky Institution for the tuition of the Deaf and Dumb—for the support of indigent pupils, 2,392 74
Loans to the Penitentiary—money drawn by former keeper, 8 15

Money refunded—taxes twice paid, 4 39
For redemption of lands sold by sheriffs, 6 50
To Sergeant for amount collected by him, 86 97
Sheriffs for delinquents, 69 92
Amount of fees overpaid by James W. Denny and P. S. Loughborough, 215
Amount of costs paid by S. P. Sharp as attorney general, 40
Fees of the clerk of the General Court Appropriations December Session 1826.
Reward for apprehending the murderer of Sharp, 3,000
To Elijah Combs 80
To the Public Printer 1,310 42
To Jacob Swigert 1,528 45
To P. S. Loughborough 15
To C. Cammack 15 87
To the Sergeant at arms 555
To the keeper of the public square 60 50
To William L. Phillips 8 50
To A. C. Keenon 362 50
To Joseph Taylor 40 66
To Richard Rudd 25
To Ben Barner 5
To James Wight 172 25
To John L. Moore 3 10
To R. Graham & Co. 9 61
To P. Clay, Auditor of public accounts 500
To J. J. Vest 36 37
To Ben Hensley 250 —7,470 23
To R. S. Todd, Clerk of the House of Representatives 721 42
To Braxton and William, servants 30
To William Wood 597 25
To L. Batchelor, door keeper of the Senate 204 42
To B. R. Pollard assistant clerk of the Senate 227 14
To James Stonestreet, clerk of the Senate 494 28
To R. Devine, door keeper of the House of Representatives 206 92
To Morrison & Parker 36 08
To Davy Jones 10
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>To A. W. Dudley</td>
<td>21 50</td>
</tr>
<tr>
<td>To Dana &amp; Hodges</td>
<td>35</td>
</tr>
<tr>
<td>To Charles Miles</td>
<td>9 50</td>
</tr>
<tr>
<td>To Thomas J. Matthews</td>
<td>2,101 37</td>
</tr>
<tr>
<td>To E. Evans</td>
<td>14 50</td>
</tr>
<tr>
<td>To John M. Foster, Register of the Land Office</td>
<td>500</td>
</tr>
<tr>
<td>To William Harrison</td>
<td>15</td>
</tr>
<tr>
<td>To Joseph Smith</td>
<td>17</td>
</tr>
<tr>
<td>To R. Blakely</td>
<td>21</td>
</tr>
<tr>
<td>To the commissioners appointed to superintend the rebuilding of the Capitol</td>
<td>18,240 61</td>
</tr>
<tr>
<td>Legislature December session 1826—pay of members</td>
<td>10,411 49</td>
</tr>
<tr>
<td>Lunatic Asylum—for appropriation</td>
<td>11,948 09</td>
</tr>
<tr>
<td>Public Roads—pay of commissioners</td>
<td></td>
</tr>
<tr>
<td>of a road from Mountsterling to the Virginia line</td>
<td>68 25</td>
</tr>
<tr>
<td>Do. from Prestonsburg to the Virginia line</td>
<td>87</td>
</tr>
<tr>
<td>Do. from Frankfort to Augusta</td>
<td>19 00—145 25</td>
</tr>
<tr>
<td>Drawback on vacant land—for redemption of lands</td>
<td>326 03</td>
</tr>
<tr>
<td>Sheriffs for comparing polls—for electors</td>
<td>15 57</td>
</tr>
<tr>
<td>For Congressmen</td>
<td>116 87</td>
</tr>
<tr>
<td>For Senators</td>
<td>33 69—165 68</td>
</tr>
<tr>
<td>Distributing Acts and Journals Dec. session 1826</td>
<td>338 62</td>
</tr>
<tr>
<td>Purchasers of Non-Resident's lands—amount of warrants issued to purchasers</td>
<td>87 33</td>
</tr>
<tr>
<td>for money paid on redemptions</td>
<td></td>
</tr>
<tr>
<td>Slaves executed</td>
<td>2,658 23</td>
</tr>
<tr>
<td>Sheriffs for revenue of 1823—for amount overpaid</td>
<td>77 76</td>
</tr>
<tr>
<td>Town of Columbus—to the representatives of A. Sneed, for recording a</td>
<td></td>
</tr>
<tr>
<td>platt of said town</td>
<td>12 27</td>
</tr>
<tr>
<td>For appropriation made to Ben Barner</td>
<td>15 27</td>
</tr>
<tr>
<td>Appropriations Dec. session 1826 for specie—to the Governor of the state of</td>
<td>209 40</td>
</tr>
<tr>
<td>Ohio</td>
<td></td>
</tr>
<tr>
<td>Legislature Nov. session 1825</td>
<td>21</td>
</tr>
<tr>
<td>Total amount of warrants issued</td>
<td>$155,588 96</td>
</tr>
<tr>
<td>Amount of warrants unpaid on the 10th day of October 1826</td>
<td>2,828 54</td>
</tr>
<tr>
<td>Making a sum of</td>
<td>$158,417 44</td>
</tr>
<tr>
<td>From which deduct the amount of warrants paid during the year ending on and</td>
<td></td>
</tr>
<tr>
<td>including the 10th day of October 1827</td>
<td>$155,649 81</td>
</tr>
<tr>
<td>Warrants unpaid on the 10th day of Oct. 1827</td>
<td>$2,767 88</td>
</tr>
</tbody>
</table>
No. 3.

A statement of balances due to Government on the 16th day of October 1827, to wit:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1793</td>
<td>$104,06</td>
</tr>
<tr>
<td>1794</td>
<td>138,61</td>
</tr>
<tr>
<td>1796</td>
<td>1,805,36</td>
</tr>
<tr>
<td>1798</td>
<td>101,36</td>
</tr>
<tr>
<td>1799</td>
<td>217,25</td>
</tr>
<tr>
<td>1800</td>
<td>172,26</td>
</tr>
<tr>
<td>1802</td>
<td>31,99</td>
</tr>
<tr>
<td>1803</td>
<td>1,662,21</td>
</tr>
<tr>
<td>1806</td>
<td>613,26</td>
</tr>
<tr>
<td>1807</td>
<td>279,43</td>
</tr>
<tr>
<td>1809</td>
<td>48,56</td>
</tr>
<tr>
<td>1811</td>
<td>52,44</td>
</tr>
<tr>
<td>1815</td>
<td>10,26</td>
</tr>
<tr>
<td>1817</td>
<td>754,51</td>
</tr>
<tr>
<td>1819</td>
<td>942,66</td>
</tr>
<tr>
<td>1820</td>
<td>497,63</td>
</tr>
<tr>
<td>1821</td>
<td>2,044,02</td>
</tr>
<tr>
<td>1822</td>
<td>1,69,78</td>
</tr>
<tr>
<td>1823</td>
<td>1,403,39</td>
</tr>
<tr>
<td>1824</td>
<td>506,45</td>
</tr>
<tr>
<td>1825</td>
<td>1,552,33</td>
</tr>
</tbody>
</table>

Debts receivable
- Commissioners of navigation: $1,77
- Tax on Bank stock (Independent Banks): $1,105,06
- Clerks for taxes: $5,465,69
- Loans to the Penitentiary: $65,868,67

Total amount of debts due government on the 10th day of October 1827: $94,836,30

The amount of stock owned by the state in the Bank of Kentucky, on the 10th day of Oct. 1827: 293,350

Do. in the Bank of the Commonwealth of Kentucky same date: 482,868,63

Total amount of stock: $781,238,63

No. 4.

A statement of balances due from Government on the 10th day of October 1827, and for which the Treasury is bound on the same day for the payment under the existing laws, to wit:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheriffs for revenue of 1813</td>
<td>332</td>
</tr>
<tr>
<td>Attorneys for 1819</td>
<td>66,06</td>
</tr>
<tr>
<td>Purchasers of Non-Resident's lands</td>
<td>164,74</td>
</tr>
<tr>
<td>Warrants unpaid</td>
<td>2,767,63</td>
</tr>
<tr>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Attorneys</td>
<td>1,546 82</td>
</tr>
<tr>
<td>Salaries</td>
<td>2,174 60</td>
</tr>
<tr>
<td>Town of Columbus</td>
<td>1,506 10</td>
</tr>
<tr>
<td>Treasurer of town of Waidsboro</td>
<td>05</td>
</tr>
<tr>
<td><strong>Total amount of debts due from Government on the 10th day of October 1827</strong></td>
<td><strong>$8,255 22</strong></td>
</tr>
</tbody>
</table>

**No. 5.**

A statement showing the debits and credits of the revenue of 1826, due from Sheriffs during the year ending on and including the 10th day of October 1827, to-wit:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DEBITS.</strong></td>
<td></td>
</tr>
<tr>
<td>Balance on the books on the 10th day of Oct. 1826</td>
<td>$103,707 05</td>
</tr>
<tr>
<td>Additional lists</td>
<td>43 73</td>
</tr>
<tr>
<td>Warrants issued for accounts overpaid</td>
<td>99 93</td>
</tr>
<tr>
<td>Interests and costs</td>
<td>111 50</td>
</tr>
<tr>
<td><strong>Total Debits</strong></td>
<td><strong>$103,962 21</strong></td>
</tr>
<tr>
<td>Amount paid Treasurer</td>
<td>88,653 05</td>
</tr>
<tr>
<td>Delinquents exonerations, forfeited lands and errors corrected</td>
<td>4,567 88</td>
</tr>
<tr>
<td>Commission for collecting</td>
<td>7,322 29</td>
</tr>
<tr>
<td>Wolves killed</td>
<td>1,866 66</td>
</tr>
<tr>
<td><strong>Total credits</strong></td>
<td><strong>$102,409 83</strong></td>
</tr>
<tr>
<td>Balance due Government on the 10th day of October 1827, as per statement No. 3</td>
<td><strong>$1,552 33</strong></td>
</tr>
</tbody>
</table>

**No. 6.**

A statement shewing the debits and credits of Clerks accounts for collection of law process, deeds, seals, &c. for the year ending on and including the 10th day of October 1827, to-wit:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DEBITS.</strong></td>
<td></td>
</tr>
<tr>
<td>Balance due on the 10th day of October 1826</td>
<td>8,387 40</td>
</tr>
<tr>
<td>Accounts rendered</td>
<td>11,983 65</td>
</tr>
<tr>
<td>Costs</td>
<td>379 11</td>
</tr>
<tr>
<td><strong>Total debits</strong></td>
<td><strong>20,750 16</strong></td>
</tr>
<tr>
<td>Amount paid Treasurer</td>
<td>14,765 87</td>
</tr>
<tr>
<td>Commission for collecting</td>
<td>504 10</td>
</tr>
<tr>
<td>By acts of Assembly and for a seal furnished the Allen Circuit Court</td>
<td>15</td>
</tr>
<tr>
<td><strong>Total credits</strong></td>
<td><strong>$15,284 47</strong></td>
</tr>
<tr>
<td>Balance due Government on the 10th day of October 1827, as per statement No. 3</td>
<td><strong>$5,465 60</strong></td>
</tr>
</tbody>
</table>
The Senate.

No. 7.

A Statement shewing the probable amount of Expenditures of the Government, for the year ending on and including the 10th day of October, 1828—t.o-wt:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the amount of the salaries of the officers of the Executive and Judicial Departments, Attorney General, and Attorneys for the Commonwealth</td>
<td>$40,000 00</td>
</tr>
<tr>
<td>Ex-officio services of Clerks’ copy lists of taxable property, &amp;c.</td>
<td>9,000 00</td>
</tr>
<tr>
<td>Legislature, December session, 1827, and all expenses incident thereto, (supposing the Legislature to set seven weeks,)</td>
<td>30,000 00</td>
</tr>
<tr>
<td>Military expenditures,</td>
<td>350 00</td>
</tr>
<tr>
<td>Public communications,</td>
<td>1,500 00</td>
</tr>
<tr>
<td>Sheriffs comparing polls,</td>
<td>300 00</td>
</tr>
<tr>
<td>Criminal prosecutions,</td>
<td>20,000 00</td>
</tr>
<tr>
<td>The execution of slaves,</td>
<td>1,800 00</td>
</tr>
<tr>
<td>Printing and binding acts and journals of December session, 1827,</td>
<td>3,000 00</td>
</tr>
<tr>
<td>Jailors attending Circuit Court, &amp;c.</td>
<td>3,500 00</td>
</tr>
<tr>
<td>Contingent expenses,</td>
<td>2,000 00</td>
</tr>
<tr>
<td>Executive offices for fuel, stationary, &amp;c.</td>
<td>2,000 00</td>
</tr>
<tr>
<td>Money refunded, taxes twice paid, &amp;c.</td>
<td>500 00</td>
</tr>
<tr>
<td>Purchasers of non-residents’ lands,</td>
<td>300 00</td>
</tr>
<tr>
<td>Lunatic Asylum,</td>
<td>7,000 00</td>
</tr>
<tr>
<td>Surveyors for copying entries, &amp;c.</td>
<td>250 00</td>
</tr>
<tr>
<td>Distributing acts and journals December session, 1827,</td>
<td>400 00</td>
</tr>
<tr>
<td>Kentucky Institution for the tuition of the Deaf and Dumb,</td>
<td>2,500 00</td>
</tr>
<tr>
<td>Institutions for the support of indigent pupils,</td>
<td>2,500 00</td>
</tr>
<tr>
<td>Decisions of the Court of Appeals,</td>
<td>3,000 00</td>
</tr>
<tr>
<td>Public printers for advertising non-residents’ lands,</td>
<td>30 00</td>
</tr>
<tr>
<td>Drawback on vacant lands,</td>
<td>123 00</td>
</tr>
<tr>
<td>Sheriffs for revenue overpaid,</td>
<td>200 00</td>
</tr>
<tr>
<td>Public roads,</td>
<td>75 00</td>
</tr>
<tr>
<td>Lunatics and Idiots,</td>
<td>3,000 00</td>
</tr>
</tbody>
</table>

Total amount expected to be expended, $140,880 00

No. 8.

A Statement of the amount of monies which is expected to be paid into the Treasury during the year ending on and including the 10th day of October, 1828, subject to the expenses of government—t.o-wt.

The gross amount of revenue collectable by Sheriffs for the year 1826, and made payable on the first Monday in December next, $62,312.51

The loss on collection of revenue by Sheriffs this year, including com-
missions for collecting insolvents, compensation for killing wolves, and sundry other credits which are allowed the Sheriffs, is presumed will be about 18 per cent, amounting to $12,476.25.

Leaving, 56,836.26

The delinquents on the part of the Sheriffs this year, will be about 3,000.00.

Which leaves a sum which may be expected with some certainty to be collected and paid into the treasury during the ensuing year, of 53,836.26

From Clerks for taxes on law process, deeds, seals, &c., including the amount expected to be received from the Secretary of State, and the Register of the land office, will be about 15,000.00

From miscellaneous receipts, 30.00
From taxes on non-residents’ lands, 2,500.00
From the Bank of the Commonwealth of Kentucky, 23,000.00
From the bank stock fund, to wit: vacant lands and headrights, 6,000.00

From the sale of lands east and west of Cumberland river, in the State of Tennessee, 250.00
From the sale of lands west of the Tennessee river, 12,000.00

Of the balances stated to be due government as in statement No. 3, will be collected of the revenue due from Sheriffs, about 2,500.00

Do. as due from Clerks, will be collected about 2,000.00
Do. as due from debts receivable, about 200.00
Do. as due from the Penitentiary, about 2,000.00

Of the other balances, nothing can be expected with any degree of certainty to be paid.

From the sale of Warrants to confirm titles to forfeited lands, 50.00
From the sale of warrants to be laid on forfeited land, 100.00

Total amount expected to be received, $124,466.26
Balance due from government, as per statement No. 1, (in Commonwealth's paper,) 5,429.93
Do. do. do. No. 4, (do.) 8,255.22
Amount of statement No. 7, 140.89

Making, $154,585.15

From which deduct the amount expected to be received, as stated as above, 124,466.26

Leaving a balance due from government on the 10th day of October, 1828, of $30,098.29
A Statement, shewing the number of voters in each county in the State, as taken from the Commissioners' books, returned to this office for the year 1826.

<table>
<thead>
<tr>
<th>Counties</th>
<th>Voters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adair</td>
<td>1019</td>
</tr>
<tr>
<td>Anderson</td>
<td>664</td>
</tr>
<tr>
<td>Allen</td>
<td>318</td>
</tr>
<tr>
<td>Bracken</td>
<td>383</td>
</tr>
<tr>
<td>Bullitt</td>
<td>706</td>
</tr>
<tr>
<td>Bourbon</td>
<td>1939</td>
</tr>
<tr>
<td>Bath</td>
<td>1135</td>
</tr>
<tr>
<td>Barren</td>
<td>1501</td>
</tr>
<tr>
<td>Breckinridge</td>
<td>982</td>
</tr>
<tr>
<td>Boone</td>
<td>1097</td>
</tr>
<tr>
<td>Bath</td>
<td>454</td>
</tr>
<tr>
<td>Campbell</td>
<td>110</td>
</tr>
<tr>
<td>Caldwell</td>
<td>361</td>
</tr>
<tr>
<td>Cumberland</td>
<td>1132</td>
</tr>
<tr>
<td>Christian</td>
<td>1200</td>
</tr>
<tr>
<td>Clarke</td>
<td>1420</td>
</tr>
<tr>
<td>Clay</td>
<td>399</td>
</tr>
<tr>
<td>Calloway</td>
<td>408</td>
</tr>
<tr>
<td>Casey</td>
<td>583</td>
</tr>
<tr>
<td>Daviess</td>
<td>685</td>
</tr>
<tr>
<td>Edmondson</td>
<td>414</td>
</tr>
<tr>
<td>Estill</td>
<td>678</td>
</tr>
<tr>
<td>Fleming</td>
<td>1876</td>
</tr>
<tr>
<td>Franklin</td>
<td>1364</td>
</tr>
<tr>
<td>Fayette</td>
<td>1922</td>
</tr>
<tr>
<td>Floyd</td>
<td>612</td>
</tr>
<tr>
<td>Garrard</td>
<td>1313</td>
</tr>
<tr>
<td>Greene</td>
<td>1471</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Counties</th>
<th>Voters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greenup</td>
<td>649</td>
</tr>
<tr>
<td>Gallatin</td>
<td>806</td>
</tr>
<tr>
<td>Graves</td>
<td>139</td>
</tr>
<tr>
<td>Grant</td>
<td>346</td>
</tr>
<tr>
<td>Grayson</td>
<td>600</td>
</tr>
<tr>
<td>Harrison</td>
<td>1554</td>
</tr>
<tr>
<td>Hardin</td>
<td>1575</td>
</tr>
<tr>
<td>Hart</td>
<td>566</td>
</tr>
<tr>
<td>Henderson</td>
<td>531</td>
</tr>
<tr>
<td>Hopkins</td>
<td>755</td>
</tr>
<tr>
<td>Henry</td>
<td>1334</td>
</tr>
<tr>
<td>Hickman</td>
<td>192</td>
</tr>
<tr>
<td>Harlan</td>
<td>341</td>
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<tr>
<td>Jessamine</td>
<td>1062</td>
</tr>
<tr>
<td>Jefferson</td>
<td>2002</td>
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<tr>
<td>Knox</td>
<td>512</td>
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<tr>
<td>Lincoln</td>
<td>1263</td>
</tr>
<tr>
<td>Laurel</td>
<td>193</td>
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<tr>
<td>Lawrence</td>
<td>488</td>
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<tr>
<td>Lewis</td>
<td>759</td>
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<tr>
<td>Livington</td>
<td>701</td>
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<tr>
<td>Logan</td>
<td>1295</td>
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<tr>
<td>Mason</td>
<td>2050</td>
</tr>
<tr>
<td>Morgan</td>
<td>390</td>
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<tr>
<td>Monroe</td>
<td>646</td>
</tr>
<tr>
<td>Mercer</td>
<td>1960</td>
</tr>
<tr>
<td>Madison</td>
<td>1933</td>
</tr>
<tr>
<td>McCracken</td>
<td>138</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Counties</th>
<th>Voters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meade</td>
<td>431</td>
</tr>
<tr>
<td>Montgomery</td>
<td>1078</td>
</tr>
<tr>
<td>Muhlenburg</td>
<td>717</td>
</tr>
<tr>
<td>Nelson</td>
<td>1800</td>
</tr>
<tr>
<td>Nicholas</td>
<td>1200</td>
</tr>
<tr>
<td>Oldham</td>
<td>1126</td>
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<tr>
<td>Ohio</td>
<td>709</td>
</tr>
<tr>
<td>Owen</td>
<td>711</td>
</tr>
<tr>
<td>Perry</td>
<td>364</td>
</tr>
<tr>
<td>Pike</td>
<td>347</td>
</tr>
<tr>
<td>Pendleton</td>
<td>593</td>
</tr>
<tr>
<td>Polaski</td>
<td>1324</td>
</tr>
<tr>
<td>Rockcastle</td>
<td>419</td>
</tr>
<tr>
<td>Russell</td>
<td>500</td>
</tr>
<tr>
<td>Shelby</td>
<td>2326</td>
</tr>
<tr>
<td>Scott</td>
<td>1616</td>
</tr>
<tr>
<td>Simpson</td>
<td>675</td>
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<tr>
<td>Spence</td>
<td>928</td>
</tr>
<tr>
<td>Trigg</td>
<td>655</td>
</tr>
<tr>
<td>Todd</td>
<td>828</td>
</tr>
<tr>
<td>Union</td>
<td>512</td>
</tr>
<tr>
<td>Wayn</td>
<td>1098</td>
</tr>
<tr>
<td>Washington</td>
<td>2268</td>
</tr>
</tbody>
</table>

Total number of voters in the state, - - 78,333

The Commissioners' books for the year 1827, are not returned, consequently the above statement was necessarily drawn from the books of the year 1826.

All which is respectfully submitted,


Mr. Cockerill moved the following resolution, to-wit:

Resolved, That no money ought to be appropriated out of the Treasury to pay for newspapers furnished the legislature.

E
Mr. Beatty moved to amend the said resolution by attaching thereto the following, to-wit:

*Be it further Resolved, That from and after the passage of this resolution, no Senator or member of either branch of the legislature of this state shall be at liberty to take Inkstands, Paper or Quills out of either branch of the legislature.*

Mr. A. S. Hughes moved to lay the said resolution on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Cockrell and Muldrow, were as follows, to-wit:


**NAYS**—Messrs. Allen, Barrett, Cockerill, Crutcher, Daviess, Daniel, Faulkner, Garrard, J. Hughes, Hardin, Hickman, Harris, Lockett, Maupin, Selby and Smith—16.

Mr. Hickman moved the following resolution, to-wit:

*Resolved, That the Senate will now proceed to elect a chairman to each of its standing committees, and then proceed to elect the other members of said committees.*

Mr. Wood, at five o'clock P. M. moved that the Senate do now adjourn.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Beatty and Lockett, were as follows, to-wit:

**YEAS**—Messrs. Allen, Barrett, Cockerill, Daviess, Dudley, Daniel, Given, J. Hughes, A. S. Hughes, Harris, Maupin, Pope, Rodman, Selby, and Wood—15.


The question was then taken on the adoption of the said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Daviess and M'Connell, were as follows, to-wit:


Whereupon Mr. Pope was elected chairman of the committee of courts of justice; Mr. M'Millan chairman of the committee of propositions and grievances; Mr. Smith chairman of the committee of religion; Mr. Wickliffe chairman of the committee of internal improvements and domestic manufactures; Mr. Hardin chairman of the committee of finance; Mr. Faulkner chairman of the committee of elections; Mr. Given chairman of the committee of enrollments, and Mr. M'Connell chairman of the committee to prepare rules for the government of the Senate.

And then the Senate adjourned till to-morrow morning ten o'clock.

FRIDAY, DECEMBER 7, 1827.

The Senate assembled, and proceeded to the election of the other members of the standing committees; whereupon Messrs. Daviess, J. Green, M'Connell and Woods were elected members of the committee of courts of justice; Messrs. Allen, Garrard, Maupin, Barrett, Harris and Lockett of the committee of propositions and grievances; Messrs. J. Hughes, White, Daniel and Dudley, of the committee of religion; Messrs. A. S. Hughes, Muldrow, Hickman, Beatty, Garrard and Faulkner, of the committee of internal improvements and domestic manufactures; Messrs. Crutcher, Taylor, Selby and Dudley, of the committee of finance; Messrs. Cunningham, Rodman, Gibson and Summers, of the committee of elections; Messrs. Cockerill, Wood, Carneal and Slaughter, of the committee of enrollments, and Messrs. Pope, Daviess, J. Green and Wickliffe, of the committee to prepare rules for the government of the Senate.

The said committee of courts of justice are to take under consideration all matters relating to courts of justice, and such other matters as shall, from time to time, be referred to them, and report their proceedings, together with their opinion thereupon, to the Senate; and the said committee are to inspect the journals of the last session, and draw up a statement of the matters then depending and undetermined, and the progress that was made therein, also examine what laws have expired since the last session, and inspect such temporary laws as are near expiring, and report the same to the Senate, with their opinion which of them ought to be revived and continued.

The committee of propositions and grievances are to take into consideration all propositions and grievances that may be referred to them, from time to time, and report their proceedings, together with their opinion thereupon, to the Senate.

The committee of elections are to take under consideration and examine all returns of the election of Senators to serve in the
present General Assembly, and compare the same with the forms prescribed by law, and to take into consideration all questions concerning elections, and such other matters as shall, from time to time, be referred to them, and to report their proceedings together with their opinion thereupon, to the Senate.

The committee of religion are to take into consideration all matters and things relating to religion and morality, and such other matters as may, from time to time, be referred to them, and to report their proceedings, together with their opinion thereupon to the Senate.

The committee of internal improvement and domestic manufactures, are to take into consideration all matters concerning the public highways and navigable streams, and relating to the condition and improvement of the manufactures of the country, and such other matters as may, from time to time, be referred to them, and to report their proceedings with their opinion thereupon to the Senate.

The committee of finance are to take under consideration all matters and things relating to, or connected with, the revenue and fiscal concerns of this Commonwealth, and such other matters as may, from time to time, be referred to them, and to report their proceedings with their opinion thereupon to the Senate. And each of the said committees are to meet and adjourn, from day to day, and shall have power to send for persons, papers and records for their information.

Mr. Wickhile moved the following resolution, to-wit:

Resolved, That the rules of the last session be adopted as the rules of the Senate, until other rules are approved, except so far as they have been changed by the resolves of the present session of the Senate.

Which was twice read and adopted.

1. Mr. Green presented the petition of Joseph Paxton, praying that a law may pass authorizing a verbal contract between him and William Paxton, deceased, for the exchange of a parcel of land in Lincoln county, to be carried into execution, if it shall appear to be to the interest of the infant heirs of said William.

2. Mr. Cockerill presented the petition of Augustin Clayton, representing that he has paid improperly into the treasury $20 70 on a headright claim, and praying that he may be reimbursed in land warrants.

3. And Mr. Maupin presented the petition of sundry citizens of Barren county, praying that an appropriation may be made to remove the obstructions to navigation in Little Barren river.

Which petitions were severally received, read and referred, the 1st to the committee of courts of justice; the 2d to the com-
the committee of propositions and grievances, and the 3d to the committee of internal improvements and domestic manufactures.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Hardin—1. A bill to fix the ratio and apportion the representation of this state.

On the motion of Mr. Selby—2. A bill to amend an act entitled, "an act for the benefit of the headright and Tellico settlers, and for other purposes," passed December 28th 1826.

On the motion of Mr. A. S. Hughes—3. A bill to amend an act entitled, "an act to incorporate the Maysville and Lexington Turnpike Road Company," approved January 24th, 1827.

On the motion of Mr. Daviess—4. A bill to secure the public papers and records throughout this Commonwealth from destruction by fire or otherwise.

On the motion of Mr. Beatty—5. A bill to amend an act entitled, "an act to authorize the county court of Wayne to appropriate certain lands to the opening a road from the little south fork of Cumberland river, to intersect the Goose creek salt works road at Marsh creek in Whitley county.

And on the motion of Mr. Hickman—6. A bill concerning conveyances.

Messrs. Hardin, Crutcher, M'Millan, Woods, White, Taylor, Daniel, Daviess, Given, Carneal, Selby and Cockerill were appointed a committee to prepare and bring in the first; Messrs. Selby, Beatty and Wood the second; Messrs. Hickman, McConnell and Wickliffe the sixth; the committee of internal improvements and domestic manufactures were directed to prepare and bring in the third and fifth, and the committee for courts of justice the fourth.

Mr. Allen moved the following resolutions, to wit:

1. Resolved, That so much of the Governor's message as relates to the revision of the execution laws of this Commonwealth be referred to the committee for courts of justice.

2. That so much of said message as relates to the circuit courts be referred to the committee of courts of justice.

3. That so much of said message as relates to a system of education, be referred to a select committee.

4. That so much of said message as relates to internal improvements, be referred to the committee of internal improvements.

5. That so much of said message as relates to the better regulation of the militia, be referred to a select committee.

6. That so much of said message as relates to the Penitentiary be referred to a select committee.

7. That so much of said message as relates to the revenue and county levy, be referred to the committee of finance.

8. That so much of said message as relates to the undue in-
fluence of the United States' Branch Banks in this state, be referred to a select committee.

9. That so much of said message as relates to the encroachments of the Federal Judiciary, be referred to a select committee.

10. That so much of said message as relates to the amendment of the constitution of the United States, be referred to a select committee.

Which were twice read and laid on the table.

A message was received from the House of Representatives announcing the appointment of a committee of enrollments on its part.

Ordered, That Mr. Given inform the House of Representatives of the appointment of a committee of enrollments on the part of the Senate.

Mr. Beatty moved the following resolution, to-wit:

Resolved, That the Senate will now proceed to appoint a committee on the militia, consisting of members, by first electing a chairman, and then the other members of said committee.

And then the Senate adjourned.

SATURDAY, DECEMBER 8, 1827.

The Senate assembled.

Mr. Thomas D. Carneal, a member of the Senate from the counties of Campbell and Boone, appeared and took his seat.

On the motion of Mr. Carneal—Ordered, That he be excused from serving on the committee of enrollments.

1. Mr. Gibson presented the petition of the widow and heirs of Joseph Hollyday, deceased, (the infant heirs by their guardian,) praying that a law may pass authorizing the sale of a tract of land in Gallatin county, which descended to them from the said Joseph, and that the proceeds be vested in other land in the state of Illinois.

2. Mr. Maupin presented the petition of certain citizens of Barren county, praying that the representatives of Zachariah Parrish, deceased, may be released from the payment of sixteen dollars due to the Branch Bank of the Commonwealth at Greensburg.

3. Mr. Cockerill presented the petition of Mary Follis and others, praying that the balance of the state price on a tract of land in Allen county, may be remitted to the widow and heirs of Peter Follis deceased.

4. Mr. Beatty presented the petition of John Hall, praying a divorce from his wife Nancy Hall.

5. The petition of Mark Foster and Sally Foster praying to be divorced from each other.
6. The petition of John Tomlinson, praying a divorce from his wife Rebecca Tomlinson.

7. And the petition of Susannah Talbot, praying a divorce from her husband John B. Talbot.

8. Mr. Cockerill presented the petition of Sally Moon, praying a divorce from her husband Elisha Moon.

9. Mr. Beatty presented the petition of James Huffaker, J. Jones and Rodes Garth, praying compensation for conveying Dowe Huffaker, a lunatic, from Wayne county to the Lunatic Asylum at Lexington.

10. Mr. Taylor presented the petition of the trustees of Franklin Academy, praying that the fines and forfeitures in Mason county may be appropriated to said Academy.

Which petitions were severally received and read; the 1st and 10th were referred to the committee of courts of justice; the 2d and 9th to the committee of finance; the 3d to the committee of propositions and grievances; the 4th, 6th, 7th and 8th to the committee of religion, and the 5th was laid on the table.

The Speaker laid before the Senate the report of the receiver of public monies southwest of the Tennessee river; which was read as follows, to-wit:

To the honorable the Speaker of the Senate of the Commonwealth of Kentucky, and through you to the honorable body over which you preside.

It is made my duty by a resolution of the last General Assembly, as Receiver of Public Monies South West of the Tennessee river, to make report fully within the first week of the present session, of all monies received by me each year, and paid into the Princeton Branch Bank, to which I most respectfully herewith submit the following report, to-wit:

For the year 1825, received $29,576 75—per centage, $500
Do. 1826, do. 18,139 00—do. 500
Do. 1827, do. 37,100 50—do. 300

$84,816 25

Take from above per centage, 1,300 00

$83,516 25

The above sum of eighty-three thousand five hundred and sixteen dollars and 25 cent, I have deposited in the Princeton Branch Bank, and have on hand.

Respectfully yours,

EDMOND CURD.

17th November, 1827.

Ordered, That the said report be referred to the committee of finance.
The Speaker laid before the Senate the annual report of the Keeper of the Penitentiary, which was read as follows, to-wit:

To the Honorable, the Members of the Legislature of Kentucky.

The act of Assembly of 1824, which confided the management of the Kentucky Penitentiary to my care, requires an annual report to be made out by me to your honorable body. I submit, in obedience thereto, the following remarks:

Since my report of last year, the operations of the institution have gone on prosperously and improvingly. The demand for manufactured articles has increased and is increasing, and I have no cause to apprehend any difficulty hereafter in vending them, and in keeping the convicts constantly and profitably employed, and my convictions originally entertained, that the establishment with judicious management might be made to yield a handsome annual profit, have rather been strengthened than impaired.

The act of last session, making an appropriation for rebuilding the Capitol, authorized the building commissioners to draw on the Keeper of the Penitentiary, for manufactured articles to the amount of $5,000; of this sum, about $1,495 have been furnished upon the orders of the commissioners, which has been principally used for the purpose of paying workmen, and for purchasing building materials elsewhere. $959.7 has been paid to persons that are employed in building and furnishing materials for the building, and to be paid by the commissioners' order, and has been by that means as valuable to the state as the same amount of cash would have been.

The commissioners, desirous that the wall should be principally of stone, applied to me last winter, to be informed, for what sum I would undertake to prepare the quantity of that article which would be required. From as correct a calculation as it was in my power to make, I proposed preparing the stone which would be wanting for the wall 37 feet high, exclusive of the door and window casings, and other work, which required much pains in the execution, to saw and dress it ready to be laid, for a sum not to exceed $5,500. All other works, except the blocks for the walls, was to be an exclusive and separate charge. Upon the information given to the Commissioners, they entered into a contract with me, (stipulating, however, that I should rely upon the state for reimbursement, as they had no authority to contract with me for any thing not comprehended in the $5,000 appropriated by law.)

Believing that the convicts would not be more profitably employed for the state, and having entire confidence in the justice of the Legislature, I proceeded to do the work for them.

The work which I undertook to perform for a sum not exceeding $5,500, by the aid of labor-saving machinery, and by keep-
ing a great number of convicts employed, (generally from forty to fifty,) has been nearly completed, and a great quantity of stone work not included in that contract, has been executed. I cannot state at present, with any accuracy, the amount furnished of $5,500 dollars, (but will say there is not 1000 dollars worth of work to do,) nor that furnished not included in the contract; nor do I suppose it to be necessary so to do, as I presume your honorable body will adopt measures for the purpose of obtaining specific information from me upon all points connected with the management of the institution confided to my superintendence; and it would be particularly gratifying to me if a committee should be appointed to examine the accounts between the State and myself. I am almost ashamed to say to you, that our unsettled accounts amount to $12,901 41, (as per books and notes,) against which accounts, (including the debt due to the State,) there is a considerable amount of rebutting claims; and as I have been so much engaged this present year for the State, I hope you will excuse my not being able to pay into the treasury the thousand dollars this year, and suspend the operation of the law to that effect.

It gives me pleasure to have it in my power to state that during the present year, the convicts have been generally in excellent health. There have been but three deaths since my last report, and there is at present not a single case of sickness on hand. One of the convicts who died was received whilst laboring under a severe chronic complaint, from which he never recovered. Another was killed by the guard, while attempting to make his escape. It was with reluctance that I had recourse to such decisive measures, but the nature of the case presented no other alternative. The convict had declared his intention to escape, or perish in the attempt. He was a powerful man, and as desperate as he was powerful, and being armed with clubs and stones, with regard to self preservation, well as strict observance of duty, compelled the guard to fire on him. Another convict, attempting to escape at the same time, was wounded, but has since recovered. With the exception of this unhappy occurrence, it gives me pleasure to state, that the deportment of the convicts has been generally very correct. They appear to be satisfied with the treatment they receive, are obedient and decorous, and execute all orders given them with promptitude and alacrity.—There are now in the Penitentiary 83 convicts.

Since my last report, 37 convicts have been received, and 83 have been discharged, their terms of confinement having expired, and 5 have been pardoned from the executive.

Pursuant to a resolution of the last legislature, a monument has been finished and erected over the grave of Governor Shelby, which I have charged to the account of the state.
I owe it to the Assistant Keeper to the Clerk and to the guard, to say, that I am much indebted to them for their steady and zealous endeavors to promote the interest of the institution; and if it has prospered, it is to be imputed, in no small degree, to their faithfulness and perseverance.

Flattering myself, gentlemen, with the hope that in the course of the session, I shall be visited both by committees and individuals of your honorable body.

I have the honor to be,

Your obedient servant,

JOEL SCOTT, Keeper.

Frankfort, December 7th, 1827.

Ordered, That the said report be referred to the committee of finance.

The Speaker laid before the Senate, a letter from the President of the Bank of the Commonwealth of Kentucky, covering his annual report of the situation of that institution, which are as follows, to-wit:

BANK OF THE COMMONWEALTH OF KENTUCKY.

Frankfort, 8th Dec. 1827.

Sir:—I have the honor herewith to enclose, a report of the situation of this Bank, which please lay before the Senate.

Very respectfully your ob't serv't.

O. G. WAGGENER, President.

Hon. ROBERT B. M'AFEE, Speaker of the Senate.

To the members of the Senate, and
Of the House of Representatives:

Agreedly to the 13th section of the law establishing the Bank of the Commonwealth of Kentucky, I have the honor herewith to communicate to the legislature, a report of the situation of the bank and its branches, on the 10th day of October, 1827; also to the House of Representatives, separate reports and tests of debts, with the names of individuals, debtors and securities, except as to the Branch Bank at Greensburg, which has not yet come to hand, but when received, will be communicated.

From an inspection of these latter reports and comparing them with the reports made at the last session, it will be seen that since that time the cases of bad or doubtful debts have not greatly increased. Delinquencies, however, have become more frequent, and consequently the amount in suit is greater than was then reported.

The table herewith communicated will shew the aggregate amount, as well as the annual diminution of the profits of the bank, since its commencement up to the 10th Oct. 1827. These
items exhibit, as a natural consequence of the present curtailing process of the debts under discount, a rapid declension of this source of revenue; and will call the attention of the legislature to the fact, that the time is not distant when the expenses which do not necessarily diminish with the profits, will amount to and exceed the interest arising upon the whole debt. Two years more, according to the present rate of curtailing, will bring about this result.

To provide against such a state of things, and to enable the institution to support its own operations, will doubtless be a subject of deliberation at the present session. Should it turn out that it is not the disposition of the legislature to deprive the institution of its banking features, by transferring the business into the hands of commissioners or agents, as has heretofore been proposed, it is respectfully suggested as the opinion of a majority of the board, that the most obvious and least objectionable mode of lessening the expenses would be in reducing the number of branches. It is believed that instead of twelve, (the present number of branches) seven, with the addition of the office of Clerk to each, would be entirely adequate to the collection of the debts. This would save annually an expense of something like three thousand dollars.

On the 15th day of February last, the President and Directors, in pursuance of a resolution passed at the last session of the Legislature, cancelled and burnt, in presence of the Governor, Auditor and Treasurer, six hundred thousand dollars of the notes of this bank.

It was reported to the legislature at the last session, that suits had been commenced in two instances, in the Federal Court, against this Bank, upon its notes. Since that time judgments have been rendered in both those cases for specie, to the nominal amount of the notes, which, with the interest, amount altogether to a little upwards of $16,000.

Pleas were put in, in these cases, to the jurisdiction of the Court, upon the ground that a corporation being a party, it did not come within the provision of the act of Congress organizing the judiciary of the United States, and regulating their jurisdiction. The correctness of the decision overruling these pleas, is thought to be very questionable by the counsel employed, and appeals have been taken to the Supreme Court.

It is perhaps in accordance with strict legal principles, that the holders of the notes of this bank should be enabled to exact payment to the amount promised on their face in gold and silver. But situated as the bank is in relation to her notes in circulation, the Directors cannot but look beyond the mere letter of their undertaking, into the situation of the party who makes the demand, and to feel disposed to limit him to the same measure of justice, which alone they can extend to others standing pre
生于同上理由。它是一个问题，因为银行的本身，存在该国的需要，它没有提供手段，将它承诺到流通。但采用这些纸币作为交换媒介，接受了社会的这种行为认可，任何个人收到这些纸币，无论是主动或被动，承认其价值仅为当时在社区通行的价值。这似乎，然后，正义应该被满足在限制持有者的价值固定的他自己的，因为这将不会使他成为输家，或限制他到一个标准，这将使该机构能够偿还所有社区的承诺，通过收集债务的能力，和在相同的程度上，她要求和接收从一个人，这将使她满足和偿还的另一个。比这更严格的规定，可能会导致整个的不满足一部分持有者的这些纸币，而另一个将得到一个正义和公平的赔偿，他们认为他们的价值在收购它们的时候。在这种观点，董事们认为自己有理由拒绝在案件中判决的争议。他们接受上诉，希望无论结果是什么，银行将在结束时，比现在更好地准备来满足需求。当

期间在上个夏天和秋天，在董事局的请求下，我做了一次由所有分支环绕的巡检，只有一个例外。这一个我没有访问由于时间不足。董事会提议这个措施，从一个愿望，从个人的了解和关于他们自己的问题，更好地理解条件的分支，和在方式中业务是进行的。

我有满足感发现，当参与这项工作时，至少对于银行的高级官员，没有原因的不信任或抱怨。帐簿、纸张和帐目，在他们的控制下，一般在良好的秩序。我必须指出，从初步的检查，我被限制，我不可能进入那样详细和细微的帐目调查，这将使我能够检测这样的错误和被迫的余额，这有时发生，如果需要，来覆盖可能存在的短缺。为了进行这样的检查。
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Dec, 8,J

THE SENATE.

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would have required such a collation of the accounts and books, as to employ an individual, when extended to all the branches, the greater portion of the year. My other duties, therefore, would not have justified me in such an undertaking. It would seem to me, however, that in all monied institutions situated as this is, investigations with a view to the object above alluded to, are indispensable, and should frequently take place. Books, accounts and money, all in the hands of one and the same individual, it will indeed be a rare coincidence in the adherence to virtue, should the institution not find in winding up among all its branches, no instance of an improper use made of this confidence. Great remissness and indifference is found to prevail on the part of the Directors in the branches, especially those who do not reside in the immediate vicinity of the respective branches; and it rarely happens that a sufficient number can be convened to form boards for the transaction of business. To this may be attributed much of the delinquency which prevails in the payment of calls and discounts, and consequently the increase of the number of suits necessarily brought against the debtors to the Bank: accustomed to consider the Director of their own county as having the control of the bank debts therein, they consult and rely upon him to attend to and transact their business, and conceive themselves not accountable should he fail to do so. The Directors, as must be expected, will attend only when it may suit their own convenience, and it does not often happen that men are so entirely at leisure, as to be able to afford the time or willing to undergo the fatigue of travelling to a neighboring county town, at their own expense, to transact business in which they have no sort of personal interest. To this general account in relation to the duties of the Directors, there are some few exceptions. New Directors, particularly, are stimulated to more punctuality whilst the prospect of obtaining accommodations is in view, and it is difficult to persuade them that this privilege is not an appendage to the office of which it can never be divested.

By confining the appointment of Directors to the neighborhood of the bank, much of the evil adverted to would be removed. Debtors in other counties, it is true, would then be deprived of this means of communicating with the bank; but there are other means that they could conveniently resort to, which it seems to me would ensure more punctuality and regularity than in relying upon the uncertain movements of a distant Director.

In less than three years, according to the present rate of collection, the whole amount of notes in circulation will have been withdrawn. Supposing the Bank of Kentucky, in the mean time, to pay in the whole amount of stock due from it, which of course will be in the notes of this bank, there will still remain
due from individuals, and in the real estate, $941,494 in specie, or its equivalent. The estimate for losses in bad debts, the deficiency of stock in the Bank of Kentucky, and the expenses of collection of debts, which in the winding up will necessarily somewhat exceed the interest, I think may reasonably be set down at 15 per cent. This will leave a sum in favor of the government of upwards of eight hundred thousand dollars, to be appropriated to such public purposes as the legislature in their wisdom may direct.

O. G. WAGGENER, President.

Frankfort, December 8, 1827.

[See table showing the situation of the Bank and its Branches.]

Ordered, That the said report be referred to the committee of finance.

Mr. Selby from the committee appointed for that purpose, reported a bill to amend an act entitled, "an act for the benefit of the headright and Tellico settlers and for other purposes," passed December 23, 1826.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with and the same being amended.

Ordered, That the said bill be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Selby carry the said bill to the House of Representatives and request their concurrence.

Mr. J. Green moved the following resolution, to-wit:

Resolved, That the committee of courts of justice be instructed to report from the unfinished business of last session, "a bill more effectually to prevent the importation of slaves."

Which was twice read and adopted.

Mr. M'Connell moved the following resolutions, to-wit:

1. Resolved, That the Auditor of Public Accounts lay before the Senate, as early as practicable, a statement of the census of the several counties in this state, for the year 1827, as shown by the commissioners' books of the current year.

2. Resolved, That the Auditor also lay before the Senate, a statement of the amount of revenue payable by each county for the year ending 10th October 1826, and also the amount drawn from the public treasury, by each county, for the same year, as well as for the year ending 10th October 1827, designating the
### A STATEMENT

Of the Situation of the Bank of the Commonwealth of Kentucky on the 18th day of October, 1821.

<table>
<thead>
<tr>
<th>Stock.</th>
<th>Notes payable.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Bank.</td>
<td>402,016.51</td>
</tr>
<tr>
<td>Union in Carnegie.</td>
<td>1,012.44</td>
</tr>
<tr>
<td>Farmers.</td>
<td>500.00</td>
</tr>
<tr>
<td>Citizens.</td>
<td>500.00</td>
</tr>
<tr>
<td>Merchants.</td>
<td>500.00</td>
</tr>
<tr>
<td>Boston.</td>
<td>500.00</td>
</tr>
<tr>
<td>New York.</td>
<td>500.00</td>
</tr>
<tr>
<td>Philadelphia.</td>
<td>500.00</td>
</tr>
<tr>
<td>Pittsburg.</td>
<td>500.00</td>
</tr>
<tr>
<td>Baltimore.</td>
<td>500.00</td>
</tr>
<tr>
<td>Washington.</td>
<td>500.00</td>
</tr>
<tr>
<td>Amount of Notes.</td>
<td>1,022,089.11</td>
</tr>
</tbody>
</table>

#### RECAPITULATION.

- **Amount of Net Profits of the Bank of the Commonwealth, from its commencement to the 10th October, 1821, viz:**
  - From its commencement to the 1st July, 1822, $110,630.50
  - 1st July, 1822, to the 1st July, 1823, 11,357.33
  - 1st July, 1823, to the 1st July, 1824, 87,793.08
  - 1st July, 1824, to the 1st July, 1825, 74,302.47
  - 1st July, 1825, to the 1st July, 1826, 30,618.32
  - 1st July, 1826, to the 1st July, 1827, 57,011.77
  - 1st July, 1827, to the 10th October, 1827, 11,095.37

- **Amount of Notes originally issued:**
  - $3,424,479.52

- **Amount of Notes cancelled by burning:**
  - $1,371,055.40

- **Deduct amount of Notes on hand, not subject to be drawn out:**
  - Leaving: $1,270,414.53

- **Leaving in actual circulation on the 10th October, 1827:**
  - $585,229.35

- **Amount to redeem the Notes in circulation brought forward:**
  - $1,723,575.92

- **Amount of Notes in circulation at 10th October, 1827:**
  - $585,229.35

- **Amount withdrawn from circulation during the last year:**
  - $330,056.03

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**EDMUND H. TAYLOR, Cashier.**
particular item of expenditure which forms the aggregate, and if practicable, to exhibit a statement of the several amounts drawn for attachments for witnesses, in civil cases, from each county.

3. Resolved further, That the keeper of the Penitentiary lay before the Senate, as early as practicable, a statement of the number of convicts received by him into the Penitentiary since he became the keeper thereof, from each county, at what term of the courts respectively, such convictions took place, for what offence, and what is the length of time of conviction in each case.

Which being twice read, were adopted.

Mr. Dudley moved the following resolution, viz:

Resolved, That the committee of courts of justice be instructed to enquire what amendments are necessary in the law respecting changes of venue in civil cases, to ensure speedy justice to the parties litigant, and that they report by bill or otherwise.

Which being twice read, was adopted.

Mr. Muldrow moved the following resolution, viz:

Resolved, That the committee on internal improvements and domestic manufactures be instructed to enquire into the expediency of having a survey made of the Kentucky river and its banks, with a view to its improvement, by wing-dams, by locks, or by a rail-road on its banks; and that they have leave to report by bill or otherwise.

Which was twice read and adopted.

Mr. Wickliffe moved the following resolution, viz:

Resolved, That the committee of courts of justice be instructed to enquire into the expediency of providing by law, for the trial of causes depending before the Court of Appeals, where, from the interest or condition of the judges, or part of them, a majority of the court are disqualified from deciding.

Which was twice read and adopted.

Mr. Wickliffe moved the following resolution, to-wit:

Resolved, That the committee of finance be instructed to enquire into the expediency of repealing or modifying the laws, authorizing the emanation and location of land warrants, and that the said committee report by bill or otherwise.

Which was twice read and adopted.

Mr. Dudley moved the following resolution, to-wit:

Resolved, That the committee of religion be instructed to reject all petitions for divorce, where the case is provided for in the general law.

Which was twice read and adopted.

A message was received from the House of Representatives, announcing the passage of a bill, entitled, "an act to authorize the insertion of advertisements in certain newspapers.

Mr. Beatty moved the following resolution, to-wit:

Resolved, That the committee of finance be instructed to en-
quire into the expediency of appropriating the balance of the debt due the Commonwealth, from headright and Tellico settlers, within the respective county, within which said debtors reside, to improving the public highways therein.

Which was twice read and adopted.

On the motion of Mr. Wickliffe—Leave was given to bring in a bill more effectually to guard against the violation of the seventh section of the 10th article of the constitution, and for other purposes; and Messrs. Wickliffe, Hardin, Green and Carneal were appointed a committee to prepare and bring in the same.

And then the Senate adjourned.

MONDAY, DECEMBER 10, 1827.

The Senate assembled.

The Speaker laid before the Senate a letter from the Treasurer, covering his annual report of the state of the Treasury; which letter and report are as follows, to-wit:

STATE OF KENTUCKY, Treasurer's Office, December 3, 1827.

Sir—You will please lay before the honorable body over which you preside, the enclosed statement, which gives a concise view of the situation of the Treasury from the 11th October 1826, to the 10th October 1827, inclusive.

Respectfully, Yours,

JAMES DAVIDSON, Treasurer.

Honourable ROBERT B. M'AFEE, Speaker of the Senate.

No. 1.

A statement shewing the amount of monies received by the Treasurer (under each different head) from the 11th day of October 1826, to the 10th day of October 1827, inclusive, to-wit:

Bank Stock fund:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>From headright lands.</td>
<td>$3,621.14</td>
</tr>
<tr>
<td>From vacant lands</td>
<td>2,667.46</td>
</tr>
<tr>
<td>From Tellico lands</td>
<td>125.74</td>
</tr>
<tr>
<td></td>
<td><strong>6,414.34</strong></td>
</tr>
</tbody>
</table>

From the sale of lands east of Cumberland river:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do. do. west do. do.</td>
<td>479.25</td>
</tr>
</tbody>
</table>

From Sheriffs for revenue:

From clerks of circuit and county courts:

From the Register of the land office:

From the Secretary of State:

From loans to the Penitentiary:

From non-residents:

From miscellaneous receipts:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1,021.50</td>
</tr>
<tr>
<td></td>
<td>2,482.00</td>
</tr>
<tr>
<td></td>
<td>70.63</td>
</tr>
</tbody>
</table>
From the treasurer of the town of Mayfield, 120.75
From the sale of lands west of Tennessee river, 19,928.25
From the sale of warrants to be laid on forfeited lands, 127.00
From the sale of warrants to confirm titles to forfeited do., 10.00
From the Bank of the Commonwealth of Kentucky, 36,115.17
From the distribution of stock in the Bank of Kentucky, 59,670.00

Total amount received $230,543.00

No. 2.

A Statement showing the amount of warrants paid by the Treasurer, (under each different head,) from the 11th day of October, 1826, to the 10th day of October, 1827, inclusive, to-wit:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drawbacks on vacant lands</td>
<td>326.03</td>
</tr>
<tr>
<td>Loans to the Penitentiary</td>
<td>35,570.26</td>
</tr>
<tr>
<td>Salaries</td>
<td>16,441.49</td>
</tr>
<tr>
<td>Appropriations, December Session, 1826</td>
<td>28,240.61</td>
</tr>
<tr>
<td>Public Printer</td>
<td>9,907.02</td>
</tr>
<tr>
<td>Lunatics</td>
<td>21,286.28</td>
</tr>
<tr>
<td>Criminal prosecutions</td>
<td>20.00</td>
</tr>
<tr>
<td>Commissioners of tax</td>
<td>6,336.66</td>
</tr>
<tr>
<td>Jailors</td>
<td>3,378.38</td>
</tr>
<tr>
<td>Clerks’ services</td>
<td>165.63</td>
</tr>
<tr>
<td>Sheriffs for comparing polls</td>
<td>1,346.15</td>
</tr>
<tr>
<td>Executive offices</td>
<td>2,135.72</td>
</tr>
<tr>
<td>Contingent expenses</td>
<td>145.25</td>
</tr>
<tr>
<td>Public roads</td>
<td>350.00</td>
</tr>
<tr>
<td>Decisions Court of Appeals</td>
<td>323.48</td>
</tr>
<tr>
<td>Military Expenditures</td>
<td>2,658.33</td>
</tr>
<tr>
<td>Distributing acts and journals, December Session, 1826,</td>
<td>11,948.09</td>
</tr>
<tr>
<td>Slaves executed</td>
<td>2,238.64</td>
</tr>
<tr>
<td>Lunatic Asylum</td>
<td>626.98</td>
</tr>
<tr>
<td>Ky. Institution for the tuition of the Deaf and Dumb,</td>
<td>37.83</td>
</tr>
<tr>
<td>Money Refunded</td>
<td>1,227.54</td>
</tr>
<tr>
<td>Purchasers of non-residents lands</td>
<td>4,554.90</td>
</tr>
<tr>
<td>Public communications</td>
<td>27.00</td>
</tr>
<tr>
<td>Attorneys</td>
<td>183.63</td>
</tr>
<tr>
<td>Town of Columbus</td>
<td>21.00</td>
</tr>
<tr>
<td>Sheriff</td>
<td>1,438.54</td>
</tr>
<tr>
<td>Legislature, November Session, 1825</td>
<td>155,440.41</td>
</tr>
</tbody>
</table>

Total amount of warrants paid, $155,440.41

Balance due from the Commonwealth on the 10th day of October, 1826, 20,420.58

Amount of stock subscribed in the Bank of the Commonwealth of Kentucky, 59,670.00
Amount of error committed in charging the receipts of this year to the Treasurer, 42 00

Total expenditures, $235,972 98

From which deduct the amount of monies received, as per statement No. 1, $230,543 06

Balance due from the Commonwealth on the 10th October, 1827, $5,429 93

Specie remaining in the treasury on the 10th day of October, 1826, $1,000 00

Amount of a warrant paid during the year ending on the 10th day of October, 1827, 200 40

Specie remaining in the treasury on the 10th day of October, 1827, $790 60

There still remains in the treasury, in Illinois money, $20 00

JAMES DAVIDSON, Treasurer.

Ordered, That the said report be referred to the committee of finance.

1. Mr. Selby presented the petition of Daniel Trabue and others, praying that the further time of two years be allowed them to pay the state price on two surveys of land.

2. Mr. Wood presented the petition of sundry citizens of the counties of Cumberland, Wayne and Russell, praying for the formation of a new county out of a part of each of said counties.

3. Mr. Beatty presented the petition of Elizabeth Nicholas, praying that a debt contracted with the Bank of the Commonwealth of Kentucky, by her deceased husband George Nicholas, may be remitted.

4. Mr. Cunningham presented the petition of sundry citizens of Grayson county, praying that the law establishing the Short creek election precinct in said county, may be repealed.

5. And also a petition of sundry citizens of said county, praying that the place of holding elections in said precinct may be changed.

6. Mr. Pope presented the petition of Thomas Dye Owings, contesting the right of David K. Harris to a seat in the Senate.

Which petitions were severally received, read and referred; the 1st, 2d, 4th and 5th to the committee of propositions and grievances; the 3d to the committee of finance, and the 6th to the committee of elections.

Messages were received from the House of Representatives,
announcing the passage of bills and a resolution of the following titles, to-wit:

An act for the benefit of St. Joseph's College at Bardstown.
An act to enlarge the constables district, composed at present, of the town of Paris, in the county of Bourbon.
An act to alter the time of comparing the polls in the 11th Congressional district.
An act making a chancery term to the Montgomery circuit court, and a special term to the Franklin circuit court; and
A resolution for appointing joint committees to examine the public offices, the Penitentiary, the Bank of Kentucky, and the Bank of the Commonwealth.

The said resolution was taken up, twice read, amended and concurred in.

Ordered, That Mr. Maupin inform the House of Representatives thereof, and request their concurrence in the said amendment.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Hardin—1. A bill authorizing the county court of Spencer county to have an additional term on the third Monday in January, 1828.

On the motion of Mr. Faulkner—2. A bill permitting individuals to erect gates across public roads under certain restrictions.

On the motion of Mr. Given—3. A bill to regulate the sales of property, by constables, under execution.

On the motion of Mr. Dudley—4. A bill for the benefit of the heirs of William Trotter, and others.

On the motion of Mr. Daviess—5. A bill to amend the law in relation to the trial of slaves.

On the motion of Mr. A. S. Hughes—7. A bill to establish courts of Probate.

On the motion of Mr. Harris—8. A bill to change a small part of the state road leading from Mountsterling to the Virginia line, by way of Prestonsburg.

On the motion of Mr. Rodman—9. A bill to establish the line between Henry and Franklin counties.

On the motion of Mr. Daviess—10. A bill to change the time of holding the Anderson circuit court; and,

On the motion of Mr. M'Connell—11. A bill to provide for building bridges across the mouth of little Sandy and Catlett's creek, in Greenup county.

Ordered, That the committee of courts of justice prepare and bring in the first; that Messrs. Faulkner, Beatty and J. Green be appointed a committee to prepare and bring in the second; Messrs. Given, Wood and A. S. Hughes the third; Messrs. Dud.
JOURNAL OF

J. Green the fifth; Messrs. Daviess, Davie11

A. S. Hughes, Harris and Hickman the seventh;

M'Connell and Taylor the eighth; Messrs. Rod-

Mr. Daviess moved the following resolutions, to-wit:

Resolved, That the committee on internal improvements and
domestic manufactures be instructed to enquire whether some
change or modification of the existing laws in relation to the pub-
lic roads, is not necessary for the improvement of the same.

And that said committee be also instructed to enquire into the
expediency and practicability of turnpiking or making rail ways
on some one or more of the following roads, to-wit:

The road from Maysville by way of Paris to Lexington. The
road from Louisville by way of Shelbyville and Frankfort to
Lexington. Of the road from Lexington by way of Harrods-
burg to the Tennessee line in the direction to Nashville; and
whether it would be most advisable that those roads should be
turnpiked by the state or incorporated companies; and that said
committee be instructed to enquire into the propriety and expe-
diency of paying out of the public Treasury annually, a small
premium, to those who shall manufacture within the state, the
finest and best fabrics out of hemp, flax, cotton and wool;

Which were twice read, and amended, by inserting after the
word “Harrodsburg” these words: “or any other practicable route,”
and adopted.

The following resolutions were severally twice read and adopt-
ed, to-wit:

On the motion of Mr. J. Green—Resolved, That the committee
of internal improvements and domestic manufactures, be instruc-
ted to enquire into the expediency of turnpiking or making a rail
way on the road from Louisville to Cumberland Gap; and also
the road from Louisville to the Tennessee line, in the direction to
Nashville.

On the motion of Mr. M'Connell—Resolved, That said com-
mittee be instructed to enquire into the expediency of making some
permanent improvements and useful alterations in the road
leading from the mouth of Big Sandy by way of Flemingsburg
and Carlisle, or any other practicable route, to Millersburg.

On the motion of Mr. Carneal—Resolved, That said committee
be instructed to enquire into the expediency of making a turn-
pike or rail road, from Covington, by way of Lexington or Frank-
fort, to Nashville, Tennessee.

On the motion of Mr. Beatty—Resolved, That said committee,
On the motion of Mr. Pope—Resolved, That the said committee be instructed to enquirer into the propriety and expediency of improving the Beech and Rolling forks of Salt river by locks, wing dams or rail roads along the banks; and also into the expediency of improving the road from Louisville by Bardstown and Springfield to Lebanon in Washington county; and also into the expediency of making an appropriation for opening and improving the road from the mouth of Clover creek in Breckinridge county to Bowling-green.

On the motion of Mr. A. S. Hughes—Resolved, that said committee be instructed to enquirer into the practicability, expediency and probable costs of constructing a canal from the mouth of Licking to the lower Blue Licks; also from the mouth of Licking to Paris, as well as from the mouth of Licking to Millersburg, and also that said committee be further instructed to enquirer into the expediency and cost of improving the navigation of main Licking, South Licking, Hinkston and Stoner by dams and locks.

On the motion of Mr. Maupin—Resolved, That said committee be instructed to enquirer into the expediency of establishing a turnpike road leading from Louisville by the way of Elizabethtown in Hardin county, thence by the way of Munfordsville Hart county, and by Glasgow in Barren county, and by Scottsville in Allen county, thence the most direct route to Nashville.

On the motion of Mr. Garrard—Resolved, That said committee be instructed to enquirer into the expediency of amending the laws relating to the turnpike and wilderness road.

On the motion of Mr. Given—Resolved, That said committee be instructed to enquirer into the expediency of establishing a road from Louisville to Columbus, by the way of Owensboro, Red Banks, Morganfield, Salem and Smithland on to the said town of Columbus.

On the motion of Mr. Selby—Resolved, That said committee be instructed to enquirer into the expediency of opening a road from the mouth of Salt river, by the way of Elizabethtown, Greensburg, Columbia, Jamestown and Monticello, to the state line on the direction to Pikes' turnpike, Tennessee.

On the motion of Mr. Cunningham—Resolved, That said committee be instructed to enquirer into the expediency of opening a road from the mouth of Salt river, by the way of Litchfield to Bowling-green, on the direction to Nashville.
On the motion of Mr. Faulkner—Resolved, That said committee be instructed to enquire into the expediency and practicability of building a permanent bridge across the Kentucky river at or near the mouth of Hickman.

On the motion of Mr. Rodman—Resolved, That said committee be instructed to enquire into the expediency of turnpiking a road from Frankfort to New-Castle, and thence to Milton on the Ohio river.

On the motion of Mr. Summers—Resolved, That said committee be instructed to enquire into the expediency of turnpiking a road from Frankfort, through Harrodsburg, Bowling-green, Russellville, Elkhorn, Hopkinsville, Princeton, Salem and thence to the mouth of Cumberland.

On the motion of Mr. Beatty—Resolved, That the committee of courts of justice be instructed to enquire into the expediency and propriety of passing a law to prevent the practice of betting upon elections.

On the motion of Mr. M'Connell—Resolved, That said committee be instructed to enquire into the propriety of changing the laws now in force in regard to administrators and executors; and providing that creditors of persons dying insolvent, shall receive from his personal representatives, a just dividend of his estate, in proportion to the amount of their respective demands, properly liquidated, without regard to dignity.

Resolved further, That said committee be instructed to enquire into the propriety of providing by law, a remedy for securities of private individuals, in cases where they shall apprehend danger of suffering by their securityships.

On motion of Mr. Carneal—Resolved, That said committee be instructed to enquire into the expediency of punishing persons for thrusting, stabbing or shooting, when death does not ensue.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By Mr. J. Green from the committee of courts of justice—1. A bill authorizing the county court of Spencer county, to have an additional term on the third Monday in January 1828.

By Mr. Pope from the same committee as unfinished business of the last session—2. A bill more effectually to prevent the importation of slaves.

3. A bill to amend an act entitled, "an act concerning escheats.

4. A bill to change the mode of taking in lists of taxable property.

And by Mr. Dudley—5. A bill for the benefit of the heirs of William Trotter and others.

Which bills were severally read the first time and ordered to be read a second time.
And thereupon the rule of the Senate, constitutional provision and second reading of the 4th and 5th bills, and the second and third readings of the 1st bill having been dispensed with, the 4th and 5th were committed to the committee of courts of justice, and the 1st being engrossed,

Resolved, That the first bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Hardin carry the said bill to the House of Representatives and request their concurrence.

Mr. A. S. Hughes read and laid on the table the following resolution, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the whole amount of the nett proceeds of the Bank of the Commonwealth of Kentucky; the nett proceeds of the sales of public lands, together with the balance of this states stock in the Bank of Kentucky, as well as that of the states stock in the Bank of the Commonwealth of Kentucky, be, and the same is hereby appropriated, and set apart as a fund, to be denominated, "the Internal Improvement fund;" the whole amount of said fund shall be held and considered, as sacred to the objects of Internal Improvement, to be disposed of in such manner, as shall, from time to time, be authorized by law.

An act to alter the time of comparing the polls in the 11th Congressional district;

Was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was committed to a select committee of Messrs. Crutcher, Daviess, Carneal and Hickman.

After a short time Mr. Crutcher from the said committee, reported the said bill with an amendment.

Which being twice read was concurred in.

Ordered, That the said bill be read a third time.

And thereupon, the rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

Resolved, That the said bill as amended, do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Crutcher inform the House of Representatives thereof, and request their concurrence in the said amendment.

A bill from the House of Representatives, entitled, "an act to authorize the insertion of advertisements in certain newspapers;" Was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision,
and second and third readings of the said bill having been dispensed with;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. White inform the House of Representatives thereof.

The Speaker laid before the Senate the annual report of the commissioners of the Lunatic Asylum, at Lexington; which was read as follows, to-wit:

To the General Assembly of the Commonwealth of Kentucky.

The Commissioners of the Lunatic Asylum at Lexington, in compliance with your act, beg leave to refer you to the enclosed paper marked A, for the information relative to the patients that have been and are in the house; and it may not be improper to remark, that the number of patients received from the county of Fayette is larger than from any other, owing to several having been brought without their papers being regular, and have had a jury of that county to decide upon them; and must refer you to the paper marked B, for the information of the expenditure of your appropriation, which will shew a balance in the hands of the Commissioners of four hundred and seventy dollars sixty-five cents. It would be gratifying to your Commissioners to have it in their power to exhibit to a committee of your honorable body, the vouchers for the money expended, and the comfort afforded the patients; and trust it would be highly gratifying to them, to find all this effected at about one third of the amount expended for their support, previous to the establishment of this asylum, to say nothing of the pleasant reflection resulting from the large number that have been restored to society and their friends, having regained the possession of their mental faculties; and must again beg leave to urge the propriety of adding to the grounds already occupied, as well as to authorize the present to be enclosed with a secure and substantial fence, to prevent escapes, which will enable your Commissioners more completely to execute the beneficent plan of your honourable body.

With great respect,

Your obedient servant,

JOHN W. HUNT, Chairman
Dec. 10.] THE SENATE.

[At.

Patients remaining in Lexington Lunatic Asylum, 30th November, 1827.

<table>
<thead>
<tr>
<th>No.</th>
<th>Sex</th>
<th>Age</th>
<th>Disease</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Male</td>
<td>23</td>
<td>Idiocy</td>
<td>Stationary</td>
</tr>
<tr>
<td>3</td>
<td>&quot;</td>
<td>21</td>
<td>&quot;</td>
<td>&quot;</td>
</tr>
<tr>
<td>4</td>
<td>Female</td>
<td>40</td>
<td>&quot;</td>
<td>&quot;</td>
</tr>
<tr>
<td>5</td>
<td>&quot;</td>
<td>12</td>
<td>&quot;</td>
<td>&quot;</td>
</tr>
<tr>
<td>6</td>
<td>Male</td>
<td>26</td>
<td>Mania ab amore.</td>
<td>&quot;</td>
</tr>
<tr>
<td>7</td>
<td>&quot;</td>
<td>43</td>
<td>Mania.</td>
<td>&quot;</td>
</tr>
<tr>
<td>9</td>
<td>Female</td>
<td>26</td>
<td>Epileptic.</td>
<td>&quot;</td>
</tr>
<tr>
<td>10</td>
<td>Male</td>
<td>43</td>
<td>Mania ab amore.</td>
<td>Improved</td>
</tr>
<tr>
<td>11</td>
<td>&quot;</td>
<td>30</td>
<td>&quot; a dolore.</td>
<td>Stationary</td>
</tr>
<tr>
<td>12</td>
<td>Female</td>
<td>26</td>
<td>Furor Uterini.</td>
<td>&quot;</td>
</tr>
<tr>
<td>14</td>
<td>&quot;</td>
<td>32</td>
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<td>&quot;</td>
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<tr>
<td>16</td>
<td>&quot;</td>
<td>28</td>
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<td>&quot;</td>
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<tr>
<td>20</td>
<td>Male</td>
<td>45</td>
<td>&quot;</td>
<td>&quot;</td>
</tr>
<tr>
<td>23</td>
<td>Female</td>
<td>40</td>
<td>&quot;</td>
<td>&quot;</td>
</tr>
<tr>
<td>25</td>
<td>&quot;</td>
<td>31</td>
<td>Catameniing.</td>
<td>Improved</td>
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<td>Epileptic.</td>
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<tr>
<td>30</td>
<td>&quot;</td>
<td>15</td>
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<tr>
<td>31</td>
<td>&quot;</td>
<td>60</td>
<td>Idiocy.</td>
<td>&quot;</td>
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<tr>
<td>32</td>
<td>&quot;</td>
<td>35</td>
<td>Epileptic.</td>
<td>&quot;</td>
</tr>
<tr>
<td>35</td>
<td>&quot;</td>
<td>60</td>
<td>Mania.</td>
<td>&quot;</td>
</tr>
<tr>
<td>40</td>
<td>Female</td>
<td>20</td>
<td>Mania a dolore.</td>
<td>&quot;</td>
</tr>
<tr>
<td>47</td>
<td>Male</td>
<td>35</td>
<td>Mania a potu.</td>
<td>&quot;</td>
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<tr>
<td>50</td>
<td>&quot;</td>
<td>31</td>
<td>Mania.</td>
<td>&quot;</td>
</tr>
<tr>
<td>52</td>
<td>Female</td>
<td>40</td>
<td>&quot;</td>
<td>&quot;</td>
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<td>25</td>
<td>Idiocy.</td>
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<tr>
<td>59</td>
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<td>35</td>
<td>Mania.</td>
<td>&quot;</td>
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<tr>
<td>67</td>
<td>&quot;</td>
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<td>Idiocy.</td>
<td>&quot;</td>
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<tr>
<td>68</td>
<td>Female</td>
<td>40</td>
<td>Mania.</td>
<td>&quot;</td>
</tr>
<tr>
<td>70</td>
<td>&quot;</td>
<td>26</td>
<td>&quot;</td>
<td>&quot;</td>
</tr>
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Total, 71.

Patients remaining in the Asylum 13th Dec. 1826, 65
Do. received into, to 30th Nov. 1827, 34
Of whom, discharged—cured, relieved, or by request of friends, 17
Died, 11
Remaining in Asylum, 30th November, 1827, 71
Males, 44
Females, 27—71
Total number of patients received into the Asylum since its opening, January, 1824, 160
Of whom, Discharged—Cured or relieved, 54
Died, 25
Eloped, 10—39

Remain as above, 71

Of whom were from the counties of

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Abstract of the Receipts and Expenditures of the Lunatic Asylum, for the year 1827.
Dr. 1826. To balance of last year's accounts, $254 40
Dec. 11. To State appropriation, 6,000 00
To cash for board from sundry patients, 826 65

Cr. By amount paid for provisions, $1,755 05
" " " " Clothing, 613 55
" " " " Bedding & Furniture, 251 47
" " " " Repairs, 173 75
" " " " Salaries, 1,530 07
" " " " Medicines, medical aid, and Stationary, 187 18
" " " " Extras, 124 93
" " " " Firewood, 472 50
" " " " Transporting patients, 218 25
" " " " Erecting house in yard, and Furniture, 1,229 68

[Dec. 10.]
"" of cash repaid boarders, 53 93
By cash in Commonwealth's Bank, being balance, 470 04

Ordered, That the said report be referred to the committee of finance.
And the Senate adjourned.

TUESDAY, DECEMBER 11, 1827.

The Speaker laid before the Senate, the report of the commissioners appointed to superintend the rebuilding of the Capitol in the town of Frankfort; which was read as follows, to-wit:

FRANKFURT, DECEMBER 10, 1827.

Gentlemen of the Senate:

The commissioners appointed by an act of the legislature to superintend the "rebuilding of the Capitol, in the town of Frankfort," proceeded with as little delay as practicable, to perform the duties assigned them—They deemed it a matter of the first importance to procure and adopt such a plan for the building, as in their opinion would be best calculated to afford safety from fire and comfort and convenience, to the representatives of the people, combined with elegance in appearance and strict economy in expenditures. To enable them as far as practicable, to effect these objects, recourse was had to the knowledge and experience of the architects of the country, to whom a premium of $150, in silver, was offered for such plan of a building, as the commissioners might adopt; upon examining the plans submitted to them, they were highly gratified in finding much to approve in each, yet none met their entire approbation, and therefore, they proposed an equal distribution of the premium, upon condition, of their becoming the owners of the plans, from which it was believed one might be drawn entirely suitable to their views; this proposition being acceded to, and the plan having been drawn, under the direction and superintendence of the commissioners, by Mr. Shryock, a native artist of merit, and adopted by them (as will appear by reference to it herewith transmitted, in a Port Folio): they proceeded to determine on the materials of which the building should be constructed, and finally settled upon that of a combination of polished marble and brick, for the exterior walls, and brick only for the interior walls; a specimen of which is now to be seen in the building. In adopting this mode of building, the commissioners were apprized that it would somewhat increase the expense; but as the preparation of the stone would
be done in the Penitentiary house, an institution belonging to the state, and consequently a large portion of the profits would go into the public Treasury, or would at least supersede the necessity of drawing funds from the Treasury to meet the difference in expense, and as they were also anxious to rear a building, bearing some proportion in appearance, to the importance and dignity of the state, the commissioners had little hesitation in adopting the plan of the combination walls; and in embracing an overture of the keeper of the Penitentiary, that at his own proper cost, he would saw, dress and polish the marble; looking to the legislature for such remuneration as their justice and liberality might award. The commissioners deem it unnecessary to enter into a detail of the plan of the building, as that is submitted in the Port Folio, which with an examination of the superstructure will afford the members of the legislature, a more accurate knowledge than they could exhibit on paper.

Document No. 1. exhibits the amount drawn from the Treasury, the amount disbursed, and the balance remaining in the hands of the commissioners to be accounted for. The balance would have been considerably reduced had the commissioners paid to each contractor, the amount of his contract, or even in proportion to the work done; But they have adopted the principle of retaining in their own hands, an amount sufficient to indemnify them against any possible contingency, arising from a failure on the part of contractors to fulfil their contract. It will be entirely consumed, however, or nearly so, when the contracts that have been entered into and partially complied with and which are in a state of progress, shall have been completed. The commissioners are satisfied that the unexpended balance will be sufficient to cover the contract for the walls, exterior and interior, up to the square, or commencement of the entablature.

Document No. 2. exhibits the amount of the appropriation for manufactured articles in the Penitentiary house, the amount disbursed and the balance remaining on hand to be accounted for; This will also be nearly consumed when the contracts alluded to above, shall have been completed and satisfied.

Of the stone wanting for the entablature, a large proportion has been purchased and are now in a state of preparation in the Penitentiary house; and of those for the Portico, the basements for the columns only have been procured; nearly all the scantling wanting for the entire building, and a large quantity of flooring and other plank, has been purchased, paid for, and delivered.

The commissioners found it indispensably necessary, to avail themselves of that provision of the law authorizing them to employ a suitable architect or superintendent, and accordingly engaged Mr. Gideon Shryock, who has, with themselves, faithfully devoted their time and attention to the public interest, in the
progress of the work. They regret to state however, that they were disappointed in their calculations as to their progress in rearing the building, which they expected would have been taken up to the entablature or square by the middle of November, agreeably to contract; but circumstances not within their control, or that of the contractor, prevented it. The walls, however, are secured from the weather, and satisfactory arrangements have been made to progress rapidly with the work, as soon as the weather opens in the spring, to the extent of our means.

DANL. WEISIGER.
J. BROWN.
J. J. CRITTENDEN.
J. HARVIE.
PETER DUDLEY.
JAMES SHANNON.

No. 1.

The Commissioners for rebuilding the Capitol.

DEBTOR.

1827
Feb 23 For this amount drawn from the Treasury $15,000 00
Mar. 1 this amount of premium awarded Matthew Kenedy and refunded 28 50

To balance on hand to be accounted for
December 10, 1827.

E. E.

CREDIT.

By this amount disbursed in materials, workmanship, &c.
Balance

$15,028 50

$6,603 29

No. 2.

The Commissioners for rebuilding the Capitol.

DEBTOR.

1827
To this amount of appropriation for articles manufactured in the Penitentiary house $5,000 00
To balance of appropriation for manufactured articles to be accounted for
December 10, 1827.

E. E.

CREDIT.

By this amount disbursed in manufactured articles for workmanship and materials $1,493 50
Balance

$5,000 00
Mr. Lockett presented the petition of William Gordon, praying that time may be given him to pay three judgments obtained against him, as endorser, in the Hopkins circuit court, by the Bank of the Commonwealth.

Which petition was received, read and referred to the committee of finance.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Selby—1. A bill to amend and extend an act, passed February 23d, 1797, concerning writs of ad quod damnum.

On the motion of Mr. Daniel—2. A bill more effectually to guard the occupant.

On the motion of Mr. Barrett—3. A bill to provide for the erection of a bridge across Licking river, at Claysville in Harrison county.

On the motion of Mr. Taylor—4. A bill to amend an act entitled, "an act for opening a road from Cynthiana to Maysville," approved January 24, 1827.

On the motion of Mr. Summers—5. A bill to repeal parts of an act approved January 7, 1824, entitled, "an act to revive and amend the champerty and maintenance laws, and more effectually to secure the bona fide occupants of land within this Commonwealth."

On the motion of Mr. Hardin—6. A bill further to regulate the Court of Appeals.

On the motion of Mr. Beatty—7. A bill for the benefit of Margaret Manes and others.

And on the motion of Mr. Maupin—8. A bill to explain an act entitled, "an act to establish the county of Edmonson.

Messrs. Selby, Garrard and Barrett were appointed a committee to prepare and bring in the first; Messrs. Daniel, Allen, Carneal and A. S. Hughes the second; Messrs. Barrett, Taylor and Hickman the third; Messrs. Taylor, Barrett, Smith and A. S. Hughes the fourth; Messrs. Summers, Given, J. Hughes and Crutcher the fifth; the committee of courts of justice the sixth; Messrs. Beatty, Wood and Cunningham the seventh; and Messrs. Maupin, Hardin and Cunningham the eighth.

Messages were received from the House of Representatives, announcing the passage of a bill which originated in the Senate, entitled, "an act to amend an act, entitled, "an act for the benefit of the Headright and Tellico settlers, and for other purposes," passed December 28, 1826. And that the House of Representatives concur in the amendments proposed by the Senate to a bill from that house entitled, "an act to alter the time of comparing the polls in the 11th Congressional district; and to a resolution for appointing joint committees to examine the public offices, the Penitentiary, the Bank of Kentucky and the Bank of the Commonwealth."
The Speaker laid before the Senate the report of the trustees of the Cumberland Hospital. Which was read as follows, to-wit:

THE CUMBERLAND HOSPITAL,
1827

To Trustees of same, Dr.
May 10. Paid James M'Cawley for one acre of
ground for a site $400 00
John Adamson for stone work 105
Leroy Brooks for brick and laying same 499
George Wilson for carpenters and joiner's work, plank, scantling, shingles, nails, glass, locks, putty, hinges, &c. 774
Oct. 15
Leroy Brooks for additional brick work 54 40
Printer of the Museum, for advertising contracts. 1 50

Under contract.
George Wilson for painting the whole of the building complete, he finding oil and paints 154 76
Thomas M'Cormick, for plastering same throughout, he finding all the materials 196

Received from the Branch Bank of the Common-wealth at Princeton agreeably to the act of the legislature $3,000

Which leaves a balance in the hands of the trustees, of eight hundred and fifteen dollars and thirty five cents, of the appropriation which is unexpended. The building is erected on an out lot in the town of Smithland, at the mouth of Cumberland river, on an elevated, dry and healthy situation, with a beautiful view of the town and Ohio river. It is of brick, forty-six feet in length and twenty-two feet in width, two stories high, divided into six apartments, with four fire places, well ventilated with doors and windows, with a portico on one side, the full length of the building, ten feet wide. There is yet necessary to be done, a kitchen, smoke-house and necessary; they should all be of brick—a good well to be sunk, with windless, chain, buckett, &c. to enclose the lot of ground with a good post and rail fence, to furnish the hospital with necessary furniture and a stock of medicines. We have been as economical in the progress of the work as was practicable, and at the same time to have it well done; and to complete the institution so as to meet the benevolent views.
of the legislature; we are of the opinion that the additional sum of one thousand dollars will be necessary, and with the aid of that sum in addition to the sum now in our hands which is yet unexpended, that the institution can be put into full and complete operation, so as to meet the views of the legislature, in restoring to health and to their friends, those unfortunate persons whose lot it may be, to be left sick, without money or friends, in our town. Having full confidence in the philanthropy and benevolence of your honorable body, we cannot, for one moment doubt, that you will pass a law, making the additional appropriation to the Cumberland Hospital of one thousand dollars, without which, the appropriation of last year, will have been expended for no valuable purpose to the community, and the benevolent designs of that legislature, wholly defeated. It is the property of the state, therefore it is the interest of the state that it should be put into complete and successful operation, and without the additional sum we now ask for, we most solemnly give it as our opinion, it cannot be done; and with it that can, in making the appropriation, it would be a great convenience to the trustees, to draw it from the Branch Bank of the Commonwealth at Princeton, subject to the order of the trustees or a majority of them. All of which is most respectfully submitted.

WM. GORDON,
THOMAS WILLIS,
THOS. MCCORMICK,
JOS. HAYDOCK,
JESSE PATTERSON,
Trustees.

Smithland, Nov. 20, 1827.

Ordered, That the said report be referred to the committee of finance.

Mr. Cockerill from the joint committee of enrollments, reported, that the committee had examined enrolled bills and a resolution of the following titles, to-wit:

An act to amend an act entitled, "an act for the benefit of the headright and Tellico settlers, and for other purposes," passed December 28, 1826.

An act to authorize the insertion of advertisements in certain newspapers.

An act to alter the time of comparing the polls in the 11th Congressional district; and,

A resolution for appointing joint committees to examine the public offices, the Penitentiary, the Bank of Kentucky, and the Bank of the Commonwealth.

And had found the same truly enrolled; and that the said bills and resolutions had been signed by the House of Representatives.
Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to said committee to be laid before the Governor, for his approbation and signature.

After a short time Mr. Cockerill reported that the committee had performed that duty.

Mr. Hardin from the committee of finance made the following report, to-wit:

The committee of finance has had under consideration, the petition of Susannah Parrish, and report thereon.

The petitioner says that she is indebted to the Greensburg branch of the Bank of the Commonwealth, about sixteen dollars, a debt contracted by her husband in his life time, and that she is poor and has seven children, to-wit: five daughters and two sons; she asks the legislature to forgive the debt. The committee is not yet in possession of the report of the Bank of the Commonwealth and cannot say with any tolerable certainty, what quantity of the paper of that bank is yet out, but certainly not less than $300,000: that paper can only be redeemed by the sale of public lands, the interest of the state in the state Bank of Kentucky, and by the payment of the debts due the Commonwealth's Bank, by those who have borrowed money from that institution; the two first enumerated resources cannot be more than sufficient to reimburse $300,000 of the paper which is out; for the redemption of the residue, the Bank must look to her debtors. The petitioner alleges that she is poor and has seven children; to relieve the poor was the ostensible object in the establishment of the Bank; that plea for the remission of the debt, is one that can be urged, with the same propriety, by one half the debtors to the Bank. It is not a security debt, but the money was borrowed by her husband, and if in this case the legislature should remit to the petitioner the debt contracted by her husband, they would be obliged to act partially or grant thousands of applications equally well supported; besides, the great danger of commencing this system of legislation, it might possibly effect the credit of the Bank; at all events it would be a more productive source of legislation than the divorce branch of our business. The committee submits the following resolution.

Resolved, That the petition of Susannah Parrish ought not to be granted.

Which being twice read, was concurred in.

The Speaker laid before the Senate a report of the keeper of the Penitentiary, which is as follows, to-wit:

(See opposite Table.)

Gustavus Brockvey was sent to the Kentucky Penitentiary in the name of George Beaumont, from Breckinridge county, Kentucky, in May 1826, for four years for highway robbery, and was discharged from the Penitentiary the 7th day of May 1827.
<table>
<thead>
<tr>
<th>Prisoner Names</th>
<th>County convicted</th>
<th>When convicted</th>
<th>For</th>
<th>Cause</th>
</tr>
</thead>
<tbody>
<tr>
<td>William Alby,</td>
<td>Henderson County</td>
<td>March 30th, 1823</td>
<td>4 yr</td>
<td>Stealing Counterfeit Money.</td>
</tr>
<tr>
<td>William Acton,</td>
<td>Fayette County</td>
<td>March term, 1826</td>
<td>4 yr</td>
<td>Subverting two Toliver Anderson.</td>
</tr>
<tr>
<td>John Antilla,</td>
<td>Adair County</td>
<td>March term, 1827</td>
<td>3 yr</td>
<td>Stealing two negroes.</td>
</tr>
<tr>
<td>Thomas Brayley</td>
<td>Jefferson County</td>
<td>Sept term, 1827</td>
<td>3 yr</td>
<td>Horse stealing.</td>
</tr>
<tr>
<td>George Boyd,</td>
<td>Logan County</td>
<td>Nov term, 1825</td>
<td>1 yr</td>
<td>Stealing Caro.</td>
</tr>
<tr>
<td>Griffin Butts,</td>
<td>Hart County</td>
<td>February, 1826</td>
<td>1 yr</td>
<td>Stealing Sholes.</td>
</tr>
<tr>
<td>John Bradley,</td>
<td>Jefferson County</td>
<td>Feb, 1827</td>
<td>1 yr</td>
<td>Stealing a Horse.</td>
</tr>
<tr>
<td>Godfrey Brockey</td>
<td>Monongahela County</td>
<td>March, 1827</td>
<td>2 yr</td>
<td>Stealing one Cambell Clock.</td>
</tr>
<tr>
<td>Absc Clarke,</td>
<td>Mercer County</td>
<td>Aug, 1827</td>
<td>2 yr</td>
<td>Highway Robbery.—second time.</td>
</tr>
<tr>
<td>James Calver,</td>
<td>Jefferson County</td>
<td>Oct, 1827</td>
<td>2 yr</td>
<td>Horse stealing.</td>
</tr>
<tr>
<td>William R. Campbell</td>
<td></td>
<td>Sept., 1827</td>
<td>3 yr</td>
<td>Stealing one Gold Watch.</td>
</tr>
<tr>
<td>Hugh Conway,</td>
<td>Shelby County</td>
<td>July, 1827</td>
<td>3 yr</td>
<td>Horse stealing.—prisoned.</td>
</tr>
<tr>
<td>John Coulter,</td>
<td>Fleming County</td>
<td>May, 1827</td>
<td>3 yr</td>
<td>Murder.</td>
</tr>
<tr>
<td>Enoch Chilibow,</td>
<td>Gallatin County</td>
<td>July, 1827</td>
<td>3 yr</td>
<td>Stealing a Gold Watch.</td>
</tr>
<tr>
<td>George Carter,</td>
<td>Garrard County</td>
<td>Aug, 1827</td>
<td>3 yr</td>
<td>Stealing Clothes.</td>
</tr>
<tr>
<td>James Dunn,</td>
<td>Garrard County</td>
<td>May, 1827</td>
<td>3 yr</td>
<td>Murder.</td>
</tr>
<tr>
<td>Otta Douglass,</td>
<td>Garrard County</td>
<td>Oct, 1827</td>
<td>3 yr</td>
<td>Stealing a Negro.</td>
</tr>
<tr>
<td>George Dutch,</td>
<td>Garrard County</td>
<td>March, 1827</td>
<td>3 yr</td>
<td>Stealing Money.</td>
</tr>
<tr>
<td>Peter Eliott,</td>
<td>Livingston County</td>
<td>Nov, 1825</td>
<td>3 yr</td>
<td>Folly.</td>
</tr>
<tr>
<td>John Enright,</td>
<td>Jackson County</td>
<td>May, 1827</td>
<td>3 yr</td>
<td>Rape.—pardoned.</td>
</tr>
<tr>
<td>Reuben Elliott</td>
<td>Gentry County</td>
<td>Aug, 1827</td>
<td>3 yr</td>
<td>Stealing John Wright.</td>
</tr>
<tr>
<td>John Freeman,</td>
<td>Madison County</td>
<td>Mar, 1827</td>
<td>3 yr</td>
<td>Murder.—pardoned.</td>
</tr>
<tr>
<td>Jane Frasier,</td>
<td>Christian County</td>
<td>Apr, 1827</td>
<td>3 yr</td>
<td>Stealing.</td>
</tr>
<tr>
<td>James Franklin</td>
<td>Madison County</td>
<td>Apr, 1827</td>
<td>3 yr</td>
<td>Stealing.—second time.</td>
</tr>
<tr>
<td>John Goodlin,</td>
<td>White County</td>
<td>May, 1827</td>
<td>3 yr</td>
<td>Stealing a Beaver Skin.</td>
</tr>
<tr>
<td>Samuel Goshen</td>
<td>Madison County</td>
<td>Feb, 1827</td>
<td>3 yr</td>
<td>Stealing.</td>
</tr>
<tr>
<td>Abraham Garland</td>
<td>Jefferson County</td>
<td>Mar, 1827</td>
<td>3 yr</td>
<td>Stealing.</td>
</tr>
<tr>
<td>Edward Givens,</td>
<td>Madison County</td>
<td>Feb, 1827</td>
<td>3 yr</td>
<td>Stealing.</td>
</tr>
<tr>
<td>Thomas Greet,</td>
<td>Madison County</td>
<td>May, 1827</td>
<td>1 yr</td>
<td>Stealing Money.</td>
</tr>
<tr>
<td>John Harding,</td>
<td>Madison County</td>
<td>July, 1827</td>
<td>1 yr</td>
<td>Horse stealing.</td>
</tr>
<tr>
<td>Peter Howard,</td>
<td>Madison County</td>
<td>Feb, 1827</td>
<td>1 yr</td>
<td>Stealing Money.</td>
</tr>
<tr>
<td>Gilbert Hyatt,</td>
<td>Boyle County</td>
<td>March, 1827</td>
<td>1 yr</td>
<td>Horse stealing.</td>
</tr>
<tr>
<td>William Holman</td>
<td>Boyle County</td>
<td>Aug, 1827</td>
<td>1 yr</td>
<td>Stealing Money.</td>
</tr>
<tr>
<td>John Hunter,</td>
<td>Bourbon County</td>
<td>Nov, 1826</td>
<td>1 yr</td>
<td>Horse stealing.</td>
</tr>
<tr>
<td>Edmund B. Hatch</td>
<td>Bourbon County</td>
<td>Sept., 1827</td>
<td>1 yr</td>
<td>Stealing Money.</td>
</tr>
<tr>
<td>William Holman</td>
<td>Bourbon County</td>
<td>Oct, 1827</td>
<td>1 yr</td>
<td>Stealing a Horse and Negro.</td>
</tr>
<tr>
<td>Robert H.</td>
<td>Garrard County</td>
<td>July, 1827</td>
<td>1 yr</td>
<td>Stealing a Horse.</td>
</tr>
<tr>
<td>John Hogan,</td>
<td>Todd County</td>
<td>Oct, 1827</td>
<td>1 yr</td>
<td>Stealing a Saddle, &amp;c.</td>
</tr>
<tr>
<td>Benjamin Harris</td>
<td>Todd County</td>
<td>May, 1827</td>
<td>1 yr</td>
<td>Horse Burning.</td>
</tr>
<tr>
<td>Samuel H. Huff</td>
<td>Todd County</td>
<td>Sept, 1826</td>
<td>1 yr</td>
<td>Stealing Hog.</td>
</tr>
<tr>
<td>Isaiah Johnson</td>
<td>Green County</td>
<td>Apr, 1827</td>
<td>1 yr</td>
<td>a Horse.</td>
</tr>
<tr>
<td>Joseph Jennings</td>
<td>Green County</td>
<td>Apr, 1827</td>
<td>1 yr</td>
<td>a Horse.</td>
</tr>
<tr>
<td>Jere Jackson,</td>
<td>Green County</td>
<td>Sept, 1826</td>
<td>1 yr</td>
<td>a Horse.</td>
</tr>
<tr>
<td>Jacob Lyon,</td>
<td>Green County</td>
<td>July, 1827</td>
<td>1 yr</td>
<td>Biting, Grinning, &amp;c. &amp;c.</td>
</tr>
<tr>
<td>Standifer A. Lindsey</td>
<td></td>
<td>May, 1827</td>
<td>4 yr</td>
<td>Horse stealing.</td>
</tr>
<tr>
<td>James Milam,</td>
<td>Pulaski County</td>
<td>Sept, 1826</td>
<td>4 yr</td>
<td>Stealing some Jewelry.</td>
</tr>
<tr>
<td>James Milam,</td>
<td>Knox County</td>
<td>Aug, 1826</td>
<td>4 yr</td>
<td>Horse stealing.</td>
</tr>
<tr>
<td>Jacob Lyon,</td>
<td>Marion County</td>
<td>Feb, 1826</td>
<td>4 yr</td>
<td>Stealing clothes.</td>
</tr>
<tr>
<td>John McKellhar</td>
<td>Wayne County</td>
<td>July, 1826</td>
<td>4 yr</td>
<td>Stealing Shoes, &amp;c.</td>
</tr>
<tr>
<td>George Morgan,</td>
<td>Mason County</td>
<td>Aug, 1826</td>
<td>4 yr</td>
<td>Stealing, with intent to kill.</td>
</tr>
<tr>
<td>James Miller,</td>
<td>Lincoln County</td>
<td>Sept, 1826</td>
<td>4 yr</td>
<td>Horse stealing.</td>
</tr>
<tr>
<td>Luther Martin,</td>
<td>Fleming County</td>
<td>Mar, 1827</td>
<td>4 yr</td>
<td>Highway Robbery.</td>
</tr>
<tr>
<td>William Marks</td>
<td>Greer County</td>
<td>Apr, 1827</td>
<td>4 yr</td>
<td>Stealing a Negro and Horse.</td>
</tr>
<tr>
<td>Smythie Mayhew</td>
<td>Jefferson County</td>
<td>May, 1827</td>
<td>4 yr</td>
<td>Horse Breaking and stealing Money.</td>
</tr>
<tr>
<td>John McCoy,</td>
<td>Jefferson County</td>
<td>Aug, 1827</td>
<td>4 yr</td>
<td>Stealing Money.</td>
</tr>
<tr>
<td>Michael McCollough</td>
<td></td>
<td>Aug, 1827</td>
<td>4 yr</td>
<td>a Horse.</td>
</tr>
<tr>
<td>James McGill,</td>
<td>Clark County</td>
<td>Sept, 1826</td>
<td>4 yr</td>
<td>a Horse.</td>
</tr>
<tr>
<td>Frances McClure</td>
<td>Scott County</td>
<td>Nov, 1826</td>
<td>4 yr</td>
<td>Killing a Negro.</td>
</tr>
<tr>
<td>John Mills,</td>
<td>Washington County</td>
<td>Sep., 1826</td>
<td>4 yr</td>
<td>a Horse.</td>
</tr>
<tr>
<td>Samuel Nostrand</td>
<td>Jefferson County</td>
<td>Sept, 1826</td>
<td>4 yr</td>
<td>Pett Learney.</td>
</tr>
<tr>
<td>Concey B. Patrick</td>
<td></td>
<td>Sept, 1826</td>
<td>4 yr</td>
<td>Stealing Money.</td>
</tr>
<tr>
<td>Old Jackson,</td>
<td>Cumber County</td>
<td>Aug, 1826</td>
<td>4 yr</td>
<td>Stealing Money.</td>
</tr>
<tr>
<td>Robert Patterson</td>
<td>Cumber County</td>
<td>Aug, 1826</td>
<td>4 yr</td>
<td>Stealing Money.</td>
</tr>
<tr>
<td>John L. Pulliam</td>
<td>Cumber County</td>
<td>Aug, 1826</td>
<td>4 yr</td>
<td>Stealing Money.</td>
</tr>
<tr>
<td>Charles Parson</td>
<td>Cumber County</td>
<td>Aug, 1826</td>
<td>4 yr</td>
<td>Stealing Money.</td>
</tr>
<tr>
<td>Lennard Pearson</td>
<td>Cumber County</td>
<td>Aug, 1826</td>
<td>4 yr</td>
<td>Stealing Money.</td>
</tr>
<tr>
<td>Joseph Robertson</td>
<td>Cumber County</td>
<td>Aug, 1826</td>
<td>4 yr</td>
<td>Stealing Money.</td>
</tr>
<tr>
<td>James Cogher,</td>
<td>Cumber County</td>
<td>Aug, 1826</td>
<td>4 yr</td>
<td>Stealing Money.</td>
</tr>
<tr>
<td>Thomas L. Rostinha,</td>
<td></td>
<td>Aug, 1826</td>
<td>4 yr</td>
<td>Stealing Money.</td>
</tr>
<tr>
<td>William Sturt,</td>
<td>Cumber County</td>
<td>Aug, 1826</td>
<td>4 yr</td>
<td>Stealing Money.</td>
</tr>
<tr>
<td>John Story,</td>
<td>Cumber County</td>
<td>Aug, 1826</td>
<td>4 yr</td>
<td>Stealing Money.</td>
</tr>
<tr>
<td>George G. Stirelail</td>
<td></td>
<td>Aug, 1826</td>
<td>4 yr</td>
<td>Stealing Money.</td>
</tr>
<tr>
<td>Thomas Smith,</td>
<td>Logan County</td>
<td>July, 1827</td>
<td>1 yr</td>
<td>Horse stealing.</td>
</tr>
<tr>
<td>William Smith,</td>
<td>Logan County</td>
<td>Mar, 1827</td>
<td>1 yr</td>
<td>Stealing Negroes.</td>
</tr>
<tr>
<td>Lewis Smotkins</td>
<td>Logan County</td>
<td>July, 1827</td>
<td>1 yr</td>
<td>Stealing Negroes.</td>
</tr>
<tr>
<td>David E. Simpson,</td>
<td></td>
<td>July, 1827</td>
<td>1 yr</td>
<td>Stealing Negroes.</td>
</tr>
<tr>
<td>Hannah Slone,</td>
<td>Fayette County</td>
<td>July, 1827</td>
<td>1 yr</td>
<td>Stealing Negroes.</td>
</tr>
<tr>
<td>Horatio Taylor</td>
<td>Fayette County</td>
<td>July, 1827</td>
<td>1 yr</td>
<td>Stealing Negroes.</td>
</tr>
<tr>
<td>Samuel Shoff,</td>
<td>Fayette County</td>
<td>July, 1827</td>
<td>1 yr</td>
<td>Stealing Negroes.</td>
</tr>
<tr>
<td>Francis A. Vanderer</td>
<td></td>
<td>July, 1827</td>
<td>1 yr</td>
<td>Stealing Negroes.</td>
</tr>
<tr>
<td>Alexander White,</td>
<td></td>
<td>July, 1827</td>
<td>1 yr</td>
<td>Stealing Negroes.</td>
</tr>
<tr>
<td>James Withnall,</td>
<td>Graves County</td>
<td>July, 1827</td>
<td>1 yr</td>
<td>Stealing Negroes.</td>
</tr>
</tbody>
</table>

The above is a statement of all the convicts received into the Penitentiary, since my appointment as Keeper thereof, and the annexed statement will shew such as have been discharged and received a second time into the Penitentiary.
George Dunbar was convicted to the Kentucky Penitentiary from Breckenridge county Kentucky, in May 1823, for highway robbery, in company with the above named Gustavus Brockvey; George Dunbar was first convicted in the name of George W. Thornton, and was discharged from the Penitentiary on the 7th day of August 1826. Benjamin B. Harris was discharged on the 24th day of May 1827, and was brought back on the 1st day of September 1827, for two years; James McGill, who was convicted to the Penitentiary on the 31st day of March 1824 for three years, in the name of Stephen Mitchell, for petit larceny, was again brought back in company with Gustavus Brockvey and George Dunbar, for highway robbery, for ten years and received 3rd day of September 1827. Francis M'Cleister was discharged 1st June 1827, and came back again 1st September 1827, for two years. Joseph Roberson was discharged from the Penitentiary on the 30th day of April 1826, and was brought back again on the 26th day of July 1826, for two years. Thomas Garrett was discharged from the Kentucky Penitentiary on the 2d day of June 1826, and was brought back on the 27th day of November 1827 for four years, he was first convicted in the name of Thomas Perry. Alexander White was discharged from this Penitentiary the first time, on the 25th day of May 1809, and came back again on the 10th day of April 1812, and pardoned on the 13th day of January 1825, and brought back the third time 5th June 1825, for ten years.

The above is respectfully submitted to your honorables body by your obt. and very humble servant,

JOEL SCOTT, Keeper.

To the honorable, the Senate of Kentucky.

A message was received from the House of Representatives, announcing the passage of bills of the following titles, to wit:

An act to authorize the appointment of additional justices of the peace in certain counties; and for other purposes; and,

An act for the benefit of Thomas Smith and others.

Mr. Daviess from the committee appointed for that purpose, reported a bill to change the time of holding the Anderson circuit court.

Which was read the first time and ordered to be read a second time.

A bill more effectually to prevent the importation of Slaves, and a bill for the benefit of the heirs of William Trotter and others; were severally read the second time.

The former bill was committed to the committee of courts of justice, and the latter to the committee of finance.

Bills from the House of Representatives of the following titles: An act for the benefit of St. Joseph's college at Bardstown.
An act to enlarge the constable's district composed, at present, of the town of Paris, in the county of Bourbon.

An act to authorize the appointment of additional justices of the peace in certain counties, and for other purposes; and,

An act for the benefit of Thomas Smith and others.

Were severally read the first time and ordered to be read the second time.

The following resolutions were severally twice read and adopted, to-wit:

On the motion of Mr. Daniel—Resolved, That the auditor of public accounts furnish the Senate with the number of legal voters of each county, shewn by the commissioners' books taken in the year 1825, and that the public printer be instructed forthwith to print one hundred and fifty copies for the use of the General Assembly.

On the motion of Mr. White—Resolved, That the committee of courts of justice be instructed to enquire into the expediency of amending the law concerning Infants' real estate.

On the motion of Mr. Dudley—Resolved, That the secretary of state be directed to furnish the Senate with the number of justices of the peace in each county in this Commonwealth.

On the motion of Mr. Allen—Resolved, That the committee of internal improvement be instructed to enquire into the expediency of clearing out and removing obstructions in the channel of Green river, from the highest navigable point to the mouth; that said committee be further instructed to enquire into the practicability of improving the Vienna falls, and the falls above and below said falls, by wing dams or locks; that said committee be further instructed to enquire into the utility of repairing Muldrow's Hill, and also Newton's Hill on the Campbellsville road.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 12, 1827.

The Senate assembled.

Mr. M'Millan from the committee of propositions and grievances, made the following report, to-wit:

The committee of propositions and grievances, have, according to order, had under consideration sundry petitions to them referred, and have come to resolutions thereupon, to-wit:

1. Resolved, As the opinion of this committee, that the petition of Mary Follis, praying the remission of the state price on a small piece of headright land in Allen county, is reasonable.

2. Resolved, That the petition of Daniel Trabue and others, praying that a longer time be allowed them to pay into the treasury the state price on certain lands, near the Cumberland river.
which they had been authorized to appropriate for the benefit of Saltworks, is reasonable.

3. Resolved, That the petition of sundry citizens of Grayson county, residing within the bounds of the Short creek election precinct, praying that the said election precinct be abolished, be rejected.

4. Resolved, That the petition of sundry citizens of Grayson county, residing in the bounds of the Short creek election precinct, praying that the place for holding the elections in said precinct be removed to the Big Spring, known by the name of the head of the Spring fork, about one mile and a half from where elections are now held, is reasonable.

Which being twice read was concurred in.

Ordered, That the said committee prepare and bring in bills pursuant to the 1st, 2nd and 4th resolutions.

Mr. Carneal presented the petition of sundry surviving officers of the revolutionary war, residing in this state, praying that the Senators and Representatives from this state, in the Congress of the United States, be requested to use their best exertions to procure the passage of a law making an appropriation for the relief of the surviving officers of the revolution, who were in service at the termination of the war.

Mr. Maupin presented the petition of sundry citizens of Barren county, praying for the erection of an election precinct in said county, and remonstrating against the formation of a new county out of parts of said county and Allen county.

Which petitions were severally received, read and referred, the former to the committee of the whole house for Monday next, and the latter to the committee of propositions and grievances.

Mr. Pope from the committee of courts of justice, to whom was referred a bill to change the mode of taking in lists of taxable property, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time, to-morrow.

Mr. Pope from the same committee, to whom was referred, a bill more effectually to prevent the importation of Slaves, reported the same with amendments.

Which were twice read and concurred in.

Ordered, That the Public Printer print one hundred and fifty copies of the said bill, as amended, for the use of the General Assembly.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By Mr. Maupin—1. A bill to explain an act to establish the county of Edmonson.

By Mr. Selby—2. A bill to amend and extend an act passed February 22d, 1797, concerning writs of ad quod damnum; and,

By Mr. Summers—3. A bill to repeal parts of an act approved
January 7th, 1824, entitled, "an act to revive and amend the champerty laws, and more effectually to secure the bona fide occupants of land within this Commonwealth.

Which bills were severally read the first time and ordered to be read a second time.

Ordered, That the Public Printer, print one hundred and fifty copies of the third bill for the use of the General Assembly.

The Senate took up the resolutions moved by Mr. Allen on the 7th instant—the 5th resolution was amended by striking out the words "a select committee," and inserting in lieu thereof, the words "a standing-committee of five members, to be called the committee on the militia."

Mr. Garrard moved to amend the ninth resolution by striking out the words, "a select committee," and inserting in lieu thereof, "the committee for courts of justice."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Faulkner and Garrard, were as follows, to-wit:


The said resolutions as amended, were then adopted.

Messrs. J. Green, Wickliffe, Hardin, Carneal and Garrard were appointed a committee pursuant to the third resolution; Messrs. J. Allen, Faulkner, A. S. Hughes, Cockerill and Gibson pursuant to the fifth resolution; Messrs. M'Connell, Muldrow, Smith, White, Woods, Taylor, Rodman and Summers, pursuant to the sixth resolution; Messrs. Davies, Crutcher, Beatty, Dudley and Daniel pursuant to the eighth resolution; and Messrs. Pope, Given, Selby, Barrett and Slaughter pursuant to the tenth resolution.

Mr. Hardin from the committee of finance, made the following report, to-wit:

The committee of finance has had under consideration the petition of John Jones, Justice Huffaker and Rodes Garth, and report thereon:

The petitioners conveyed from Wayne county, a lunatic by name of Dowe Huffaker, to the Lunatic Asylum in Lexington, for which services the law as it now stands, allows no compensation, as the said lunatic was not found so by a jury until he reached Lexington. In the opinion of the committee the petitioners ought to be paid, and the committee is of opinion that two dollars a day to each person for going and returning, making $48,
and two dollars for the expense of the lunatic, is a reasonable compensation. The committee reports a bill for the benefit of John Jones, Justice Huffaker and Rodes Garth.

Which being twice read was concurred in.

The said bill was read the first time and ordered to be read a second time.

Mr. Hardin from the same committee, made the following report, to-wit:

The committee of finance has had under consideration the petition of William Gordon and Elizabeth Nicholas, and report thereon.

The petitions above referred to are analogous in their substantial features, to the petition of Susannah Parrish, and come within the principle settled in that case; the committee submit the following resolutions:

Resolved, That the prayer of the petition of Elizabeth Nicholas, ought not to be granted.

Resolved, That the prayer of the petition of William Gordon, ought not to be granted.

Which being twice read, was concurred in.

Mr. Garrard read and laid on the table a resolution fixing a day for the election of public officers.

A bill to change the time of holding the Anderson circuit court, was read the second time and committed to a select committee of Messrs. Daviess, Wickliffe, White, Dudley, Garrard and Smith.

Bills from the House of Representatives of the following titles, to-wit:

1. An act for the benefit of St. Joseph's College at Bardstown.
2. An act to enlarge the constable's district, composed at present, of the town of Paris, in the county of Bourbon.
3. An act making a chancery term to the Montgomery circuit court, and a special term to the Franklin circuit court; and,
4. An act for the benefit of Thomas Smith and others.

Were severally read the second time and referred; the 1st to the committee of finance; the 2d to a select committee of Messrs. Beatty, Hickman and M'Connell; the 3d to Messrs. Dudley, Daniel and Daviess, and the 4th to Messrs. Beatty, Cockerill, J. Green, Carneal and Maupin.

After a short time Mr. Beatty from the committee to whom was referred the second bill, reported the same with an amendment;

Which was twice read and concurred in.

Ordered, That the said bill, as amended, be read a third time to-morrow.

The resolution for setting apart a fund for internal improvements, offered by Mr. A. S. Hughes on the 10th instant, was twice read and laid on the table.

And then the Senate adjourned.
The Senate assembled.

Mr. William P. Fleming, a member of the Senate from the county of Fleming, appeared, produced a certificate of his election, and of his having taken the several oaths prescribed by the constitution of the United States, and constitution and laws of this state, and took his seat.

Messrs. Hickman, Wood and Maupin were appointed a committee on the part of the Senate, pursuant to a joint resolution, to examine the Auditor's office.

Messrs. M'Millan, J. Hughes and Harris the Treasurer's office.

Messrs. White, Smith and Lockett the Register's office.

Messrs. Daniel, Lockett and Beatty the Penitentiary.

Messrs. Hickman, Fleming and Cunningham the Bank of Kentucky.


Mr. Given presented the petition of Jesse B. Pemberton, praying that a law may pass directing the Bank of the Commonwealth of Kentucky to pay him the sum of seventy-two dollars, which amount of the paper of said Bank he has lost.

And Mr. Woods presented the petition of sundry stockholders of the Bank of Kentucky, praying that the charter of said Bank may be extended for the purpose of settling up the business of the institution.

Which petitions were received, read and referred; the former to the committee of finance and the latter to the committee of courts of justice.

Mr. Pope from the committee of courts of justice, made the following report, to-wit:

The committee of courts of justice have, according to order, had under consideration sundry petitions to them referred, and have come to the following resolutions thereon, to-wit:

Resolved, That the petition of Joseph Paxton, praying that a law may pass authorizing a verbal contract between himself and William Paxton, deceased, for a small piece of land in Lincoln county, to be carried into effect, be rejected.

Resolved, That the petition of the widow and heirs of Joseph Holladay, deceased, (the infant heirs by their guardian,) praying that a law may pass authorizing the sale of a tract of land belonging to said heirs, lying in the county of Callatin, be sold, and the proceeds thereof vested in land in the state of Illinois, be rejected.

Which being twice read; the first resolution was amended by striking out the words "be rejected" and inserting in lieu thereof "is reasonable," and was concurred in, and the second resolution was laid on the table.
Ordered, That the committee of courts of justice prepare and bring in a bill pursuant to the first resolution.

Mr. Smith from the committee of religion, made the following report, to-wit:

The committee of religion have, according to order, had under consideration certain petitions to them referred, and have come to the following resolutions thereupon, to-wit:

1. Resolved, That the petition of John Tomlinson, praying that a law may pass, divorcing him from his wife Rebecca Tomlinson, is reasonable.

2. Resolved, That the petition of John Hall, praying that a law may pass, divorcing him from his wife Nancy Hall, be rejected.

3. Resolved, That the petition of Susannah Talbot, late Susannah Barrow, praying that a law may pass, divorcing her from her husband John B. Talbot, and restoring her to her maiden name, be rejected.

4. Resolved, That the petition of Sally Moon, praying that a law may pass divorcing her from her husband, Elisha Moon, be rejected.

Which being twice read; Mr. Faulkner moved to amend the first resolution by striking out the words "is reasonable," and inserting in lieu thereof the words, "be rejected."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Beatty and M'Connell, were as follows, to-wit:


The said report as amended, was then concurred in.

Mr. Hardin from the committee of finance, to whom was referred, a bill from the House of Representatives entitled, "an act for the benefit of St. Joseph's College at Bardstown," reported the same with an amendment;

Which being twice read, the said bill and amendment were recommitted to the same committee.

Mr. Hardin from the same committee, to whom was referred, a bill for the benefit of the heirs of William Trotter and others; reported the same with an amendment.

Which being twice read was concurred in.

Ordered, That the said bill, as amended, be engrossed and read a third time to-morrow.
Mr. Faulkner from the committee of elections, made the following report, to-wit:

The committee of elections have, according to order, had under consideration, the petition of Thomas Dye Owings, contesting the right of David K. Harris, Esq. to a seat in the Senate, to them referred.

It appears to the committee, that the said David K. Harris, Esq. was duly elected at the last general election, a member of the Senate from the 37th Senatorial district, composed of the counties of Bath, Morgan, Floyd and Pike; therefore,

Resolved, That the said petition be rejected.

Which being twice read was concurred in.

Mr. Beatty from the committee to whom was referred, a bill from the House of Representatives entitled, "an act for the benefit of Thomas Smith and others," reported the same with an amendment.

Which being twice read, was concurred in, and the said bill as amended, was recommitted to a committee of Messrs. Dudley, Beatty, Cockerill and J. Green.

Messages were received from the House of Representatives, announcing the passage of bills of the following titles, to-wit:

An act further to regulate the powers of the trustees of the town of Mount Vernon in Bullitt county, and for other purposes.

An act to change the place of voting in the Sharpsburg precinct in Bath county, and for other purposes; and,

An act to alter the mode of taking lists of taxable property.

Mr. Pope from the committee of courts of justice, reported a bill concerning the appropriation of fines and forfeitures in the county of Mason.

Which was read the first time and ordered to be read a second time.

Mr. Carneal moved the following resolution, to-wit:

Resolved, That the Senate will elect a Chaplain to this body for the residue of this session, to be compensated for his services by the voluntary contributions of the members.

Which being twice read; Mr. Hardin moved to lay the said resolution on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hardin and J. Green, were as follows, viz:


Mr. Crutcher then moved to amend the said resolution by striking out the words "to be compensated for his services by the voluntary contributions of the members," printed in italics.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. J. Green and Carneal, were as follows:


And then the Senate adjourned.

FRIDAY, DECEMBER 14, 1827.

The Senate assembled.

Mr. Daviess presented the petition of sundry persons, who have belonged to the society of Shakers, praying that a law may pass to enable them to recover of the said society, the property which it received from them, and also compensation for their labour while belonging to the society.

Which petition was received, read and referred to the committee of courts of justice.

Mr. Hardin from the committee of finance, to whom was referred, a bill from the House of Representatives, entitled, "an act for the benefit of St. Joseph's College, at Bardstown," reported the same with an amendment.

Which being twice read, the said bill and amendment were laid on the table.

Mr. Dudley from the committee to whom was referred, a bill from the House of Representatives, entitled, "an act for the benefit of Thomas Smith and others," reported the same with amendments.
Which being twice read, were concurred in.

The said bill as amended, is as follows:

Whereas, it is represented and appears to the present General Assembly of the Commonwealth of Kentucky, that Thomas Smith of Barren county, is an old man, and very poor and much afflicted; that he is living on a small piece of vacant land, which is poor and of little value, lying in the Barrens, adjoining the lands of Thomas Shuffitt, Benjamin Hiser and R. S. and W. Thompson, beginning on a white oak and black oak, corner of Shuffitt’s land, running with his line north thirty-five degrees west, eighty-six poles, to two post oaks, another of Shuffitt’s corners; thence north seventy-five degrees east, thirty-eight poles to a post oak, Hiser’s corner; thence with his line south, sixty-five degrees east, fifty poles to a black jack, Thompson’s corner; thence with their line south fifty poles, to another of their corners; thence south seventy degrees west, twenty poles to the beginning, containing by survey twenty-five acres; Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky. That it shall and may be lawful, and the Register of the Land Office is hereby required to issue a patent in the name of the said Thomas Smith, for the said twenty-five acres of land, upon the presentation of a copy of this bill; provided however, that this act shall not interfere with any prior claim or claims.

And be it further enacted, That upon the production of a survey signed by Hugh Brown, the Register of the Land Office be, and he is hereby authorized, without fee, to issue a patent to Jane Shipley, a poor widow, for fifty-four acres of vacant land in Allen county, on which she now resides.

Whereas, it is represented to the present General Assembly, that Samuel Hand obtained from the county court of Pulaski, a certificate No. 900, dated February court 1806, entitling him to 200 acres of land by virtue of an act of the General Assembly of this Commonwealth, to encourage the settling and improving the vacant lands thereof; and whereas, further, the said Hand assigned the said certificate to Samuel Kelly, and said Kelly assigned his interest and claim to said certificate to James Manes, who has lately departed this life, and left his widow Margaret Manes living on said land, with a large and helpless family of young children; and it is further represented, that the said two hundred acres of land has been surveyed by virtue of said certificate, and that it is very poor and broken, with hills and rocks; and whereas further, it appears that there was $3 39 paid into the treasury on said two hundred acres of land, and further, by reference to the Auditor’s books it appears that the said two hundred acres of land was sold and stricken off to the state in the year 1813; Therefore,

Be it enacted, That the Register of the Land Office be, and he
is hereby authorized and required, on the production of the aforementioned survey to him, to issue a patent in the name of the said Margaret Manes and the children of the said James Manes, by the said Margaret, without fee, for the said two hundred acres of land. Provided however, that said grant or patent shall not interfere with any older or better claim, and this proviso to be inserted in said patent.

Mr. Dudley moved further to amend the said bill, by striking out the whole of the bill after the enacting clause, and inserting in lieu thereof the following, to-wit:

That the Register of the Land Office be, and be hereby directed, to issue a patent to Thomas Smith of Barren county, for twenty-five acres of land, according to the lines and corners of the survey, whereon said Smith now resides, without fee.

Be it further enacted, That the Register be, and is hereby directed to issue a patent to Jane Shipley, for fifty-four acres of land, whereon she now resides, in Allen county, upon the production of a patent signed by Hugh Brown, without fee.

Be it further enacted, That the Register is hereby directed to issue a patent for two hundred acres of land, in Pulaski county, to Margaret Manes and her children, being the heirs of James Manes deceased, whereon they now reside, without fee. Provided, that said patents shall not interfere with older or better claims to said tracts of land, and the patents shall contain this provision.

And the question being taken on the adoption of the amendment proposed by Mr. Dudley, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Beatty and Crutcher, were as follows, to-wit:


The said bill, as amended, was then recommitted to a committee of Messrs. Beatty, Dudley and Selby.

Mr. Dudley from the committee to whom was referred a bill from the House of Representatives entitled, "an act making a chancery term to the Montgomery circuit court, and a special term to the Franklin circuit court," reported the same with an amendment.

Which being twice read was concurred in.

Ordered, That the said bill, as amended, be read a third time to-morrow.

The Speaker laid before the Senate the annual report of the trustees of the Asylum for the tuition of the Deaf and Dumb at Danville, which is as follows, to-wit:
DANVILLE, December 11, 1827.

Sir—We have the honor to present to you, and through you to the honorable body over which you preside, the annual report of the trustees of the Kentucky Institution, for the instruction of the Deaf and Dumb.

We are, respectfully,
Your obedient servants,

D. G. COWAN, J. BARBOUR, C. HENDERSON,

Committee.

Hon. Robert B. M'Afee, Speaker of the Senate.

To the Honorable, the General Assembly of the Commonwealth of Kentucky.

In obedience to law, the Trustees of the Kentucky Institution for teaching the Deaf and Dumb respectfully report: That during the present year the progress of the pupils under their care has been entirely satisfactory, and due attention and care has been bestowed upon their education and personal comfort. We can only say that they have improved in general knowledge.

In our last report you were informed of our success in obtaining a donation from Congress of a township of land, and that one of our members had located the same in Florida. A part of this location was not approved by the Secretary of the Treasury; and by a law passed upon our petition to Congress at its last session, permission was obtained to relocate upon terms deemed more favorable than at first. With all practicable despatch, our agent the Rev. Samuel K. Nelson, repaired to Florida and made his selections. He also agreed verbally upon the terms of sale of twenty sections of the donation, for the sum of $64,000, and was to complete the sale in a few days and receive in part $20,000 of the purchase money. These pleasing prospects were blasted by the sudden, and much lamented death of our agent, Mr. Nelson, which occurred on the 7th May last, at Tallahassee.

At the dying request of Mr. Nelson, Col. Richard C. Allen, who had been his confidential agent and counsellor at Tallahassee, came forthwith to Kentucky, and produced to us such satisfactory testimonials of character and qualifications, that we constituted him our agent and attorney, and dispatched him as soon as possible to Florida; with instructions to endeavor to complete and carry into effect, if practicable, the contract made by Mr. Nelson.

Col. Allen was unfortunately arrested by sickness in Tennessee on his return, which detained him several weeks. In the mean time, the sales of public lands had taken place at Tallahassee in the latter part of May, and as we were advised by Col.
Allen, lands were thought to have fallen in value, and we were informed by him that the gentlemen who had proposed to purchase of Mr. Nelson declined completing the contract. It is now some months since we have heard from Col. Allen, and we are not advised of any disposition he has made.

It is the intention of the Trustees, as soon as they obtain funds from the sale of their land (which according to the terms of the donation must be made before the 5th April, 1831) to invest them in permanent public securities, and use only the interest for the support of the institution—They hope to be able to reduce the price of tuition and other charges, so as to enable as great a number as possible to enjoy the benefits of the institution. When our last report was presented, we had strong hopes that before this time we should have been able to realize sufficient funds to relieve the state from the burden of supporting the indigent pupils; we regret that we have been disappointed by the unfortunate occurrences above stated, from accomplishing an object so desirable. We respectfully solicit the continued patronage of the representatives of the people to this humane institution, with assurances that the Trustees will use their best endeavors to effect sales of these lands with as little delay as the interest of the Asylum will permit.

During the past year a number of the pupils taught at the expense of the State, having completed the term allowed by law, have left the institution, and gone to different parts of the country, and carry with them acquirements sufficient to satisfy the most sceptical of the value of the institution.

We submit herewith a report of our Secretary, shewing the state of our funds and a list of the pupils now in the Asylum.

By order of the Board,

D. G. COWAN,
J. BARBOUR,
C. HENDERSON,

Committee.


Officers—Rev. John R. Kerr, Superintendent and assistant teacher; Francis Kerr, Matron; John A. Jacobs, Principal Teacher.

Physicians—Joseph Weisiger and Alban G. Smith.
Names of pupils in the Institution on the 3rd Nov. 1827.

<table>
<thead>
<tr>
<th>Names</th>
<th>A. Admitted</th>
<th>Where from</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>William Grissom</td>
<td>1823</td>
<td>Adair Co. Ky.</td>
<td>Pauper</td>
</tr>
<tr>
<td>Narcissa Fowler</td>
<td>1823</td>
<td>Livingston</td>
<td></td>
</tr>
<tr>
<td>Nancy M'Clesky</td>
<td>1824</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seburn Goins</td>
<td>1824</td>
<td>Frankfort</td>
<td>Pays charges</td>
</tr>
<tr>
<td>Jacob Sagaser</td>
<td>1825</td>
<td>Jessamine</td>
<td></td>
</tr>
<tr>
<td>Thomas Gatewood</td>
<td>1824</td>
<td>Nelson</td>
<td></td>
</tr>
<tr>
<td>Matilda Grissom</td>
<td>1825</td>
<td>Adair</td>
<td></td>
</tr>
<tr>
<td>Job Carter</td>
<td>1825</td>
<td>Spencer</td>
<td></td>
</tr>
<tr>
<td>Mary Robertson</td>
<td>1825</td>
<td>Tennessee</td>
<td>Pays charges</td>
</tr>
<tr>
<td>Kitty Ann Pyle</td>
<td>1825</td>
<td>Adair Co. Ky.</td>
<td>Pauper</td>
</tr>
<tr>
<td>Sally Pyle</td>
<td>1825</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eliza Atwater</td>
<td>1825</td>
<td>Illinois</td>
<td>Pays charges</td>
</tr>
<tr>
<td>John White</td>
<td>1826</td>
<td>Jessamine, Ky.</td>
<td>Pauper</td>
</tr>
<tr>
<td>Margaret Bryan</td>
<td>1826</td>
<td>Franklin Co. K</td>
<td>Pays charges</td>
</tr>
<tr>
<td>Deborah Philips</td>
<td>1826</td>
<td>Madison</td>
<td>Pauper</td>
</tr>
<tr>
<td>Mary Ann Brown</td>
<td>1827</td>
<td>Breckinridge</td>
<td></td>
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<tr>
<td>George W. Ross</td>
<td>1827</td>
<td>Ohio Co. Ky.</td>
<td></td>
</tr>
<tr>
<td>Levi Elliott</td>
<td>1827</td>
<td>Madison</td>
<td></td>
</tr>
<tr>
<td>Louisa E. Pullas</td>
<td>1827</td>
<td>Tennessee</td>
<td>Pays charges</td>
</tr>
<tr>
<td>Rebecca Wiley</td>
<td>1827</td>
<td>Bourbon Co. K</td>
<td>Pauper</td>
</tr>
<tr>
<td>Littleberry Bailey</td>
<td>1827</td>
<td>Franklin</td>
<td></td>
</tr>
<tr>
<td>Thomas Kennon</td>
<td>1827</td>
<td>Mississippi</td>
<td>Pays charges</td>
</tr>
<tr>
<td>Louisa Hamilton</td>
<td>1827</td>
<td>Bourbon Co. K</td>
<td>Pauper</td>
</tr>
<tr>
<td>Charles H. Bliss</td>
<td>1827</td>
<td>Ohio, (state.)</td>
<td>Pays charges</td>
</tr>
</tbody>
</table>

Names of pupils who have at different times left the institution.—Lucy Barbee, Martha Railey, John Withers, Thomas Hoagland, Samuel Strickler, (since dead.) Enoch Wright, Laury Hall, Billy Holloway, Angelina Baker, Rebecca Machen, Patsey Terrill, Alexander Thompson, Abram Williams, John Goggin, (since dead.) Eveline Sherrill, Jabez Gaddil, William Morehead, Edith Lewellin, Moses Lewellin, Barney McMahon, Martin Reed, John Hoke, Beverly Parker, Isaac Jones, Anthony L. Story, James Story, and Waller Rodes.
The following statement will show the situation of the funds of the Institution.

**DEBTOR.**

1826.

Nov. 3 To balance on hand, (see last report.) 

$2,181 34

1827.

Nov. 3 of indigent pupils the last year, 

3,101 30

Amount received for tuition fees this year, 

369 95 1-2

Received for subscription through the Rev. Samuel Finley, 

30 00

To balance on hand, 

1,942 26 1-2

Donations to aid in erecting buildings uncollected, 

270 00

Making, 

2,912 26 1-2

**CREDIT.**

By fuel for school room last winter, 

$35 00

Cash paid Mr. Kerr for boarding indigent pupils this year, 

2,368 00

His salary as assistant teacher, 

400 00

Mr. Jacob’s salary $500 Specie, equal to 625; his board same time $100, 

725 00

Cash paid for advertising notice of commencements of sessions, 

7 17

Cash for powder used in blowing well, 

11 67

Do. for county court seal on power to Col. Allen, land agent for the institution, 

1 00

Do. paid C. Henderson’s account for materials used in repairing buildings, 

60 92 1-2

Do. paid for fixing fire places, 

1 87 1-2

Do. paid for books, 

1 37 1-2

Do. for powder &c. for blowing well 

16 00

Do. expenses of pupils to Frankfort 

16 00

Do. for sundries, 

4 16

Do. paid Black-smith, 

50

Dec. 11, By cash paid Mrs. Kerr, for extra services 

56 88 1-2

Cash paid for stationary, 

5 79 1-2

Do. 18 1-2 yards Hat Crape, 

4 62 1-2

Do. for printing circulars, 

6 00

Do. error in a charge in Jacob’s salary, 

13 75

Balance on hand, 

1,942 26 1-2

**Danville, Nov. 3, 1827.** JAMES HARLAN, Sec.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Allen—1. A bill to encourage medical learning, and regulate the practice of Physicians; and,
On the motion of Mr. Lockett—2. A bill to allow pay to grand jurors of this Commonwealth.

Messrs. Allen, J. Green, Beatty and Fleming were appointed a committee to prepare and bring in the first; Messrs. Lockett, Hardin, M'Connell and Cunningham the second.

The following bills were reported, from the several committees appointed to prepare and bring in the same, to-wit:

By Mr. M'Millan—1. A bill for the benefit of the heirs of Peter Follis.

By Mr. Daniel—2. A bill more effectually to guard the occupants of lands; and,

By Mr. Taylor—3. A bill to amend an act entitled, "an act for opening a road from Cynthiana to Maysville," approved January 24, 1827.

Which bills were severally read the first time and ordered to be read a second time.

Ordered, That the public printer print 150 copies of the second bill for the use of the General Assembly.

Mr. Pope read and laid on the table the following resolutions, to-wit:

WHEREAS, the present Tariff of the United States is unequal, and does not afford the agricultural and manufacturing industry of the Western states, that protection and encouragement which has been granted to the people of the Eastern states—therefore,

Resolved, by the General Assembly of the Commonwealth of Kentucky, That the Senators and Representatives of this State in Congress, be requested to propose and insist upon such additional duties, upon foreign hemp, spirits, molasses, wool and iron as will ensure adequate protection to domestic hemp, spirits, wool and iron, the great staples of the West.

Resolved, That the Governor be requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

Messages were received from the House of Representatives, announcing the passage of bills of the following titles, to-wit:

An act to divorce John Cochran.

An act for the safe keeping of Jesse Hide and Ottaway Hide.

An act to establish a town in the county of Oldham.

An act for the benefit of the administrator and heirs of Richard C. Anderson, deceased.

An act to add a part of Adair to Casey county.

An act to alter the time of holding certain courts.

An act to repeal the 4th section, of an act to change the time of holding certain courts in the 7th Judicial District, approved January 25th, 1827, and for other purposes.

An act to appoint additional constables in certain counties.

An act for the benefit of the Southern College and Lancaster Seminary.
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An act to amend and explain an act entitled an act to reduce the price of land between Walker's line and latitude 36° 30' North, and East of Tennessee river, approved Jan. 22d, 1827. And also a bill which originated in the Senate, entitled, an act authorising the county court of Spencer to have an additional term on the third Monday in January, 1826.

The following resolutions were twice read and adopted, to-wit:

On the motion of Mr. Harris—Resolved, That the committee of courts of justice be instructed to enquire into the propriety and expediency of amending the law so as to give Juries fees in rioting cases.

On the motion of Mr. Garrard—Resolved, That the committee of internal improvement, be instructed to enquire into the expediency of raising a permanent fund, by a tax on goods, wares and merchandize, for internal improvement.

A bill more effectually to prevent the importation of Slaves, was taken up and amended.

And then the Senate adjourned.

SATURDAY, DECEMBER 15, 1827.

The Senate assembled.

Mr. A. S. Hughes presented the petition of Lewis H. Arnold, Clerk of the Nicholas circuit court, praying that a law may pass authorising him to keep the papers belonging to his office, in a house to be provided by him on a lot near his residence in said town.

Which was received, read, and referred to a committee of Messrs. A. S. Hughes, Hickman and Fleming.

Mr. Millman, from the committee of propositions and grievances made the following report, to-wit:

The committee of propositions and grievances, have, according to order, had under consideration the petition of sundry citizens of Barren county, praying that a law may pass establishing an election precinct in said county, and have come to the following resolution, thereupon,

Resolved, That said petition is reasonable. Which being twice read, was concurred in.

Ordered, That the said committee prepare and bring in a bill pursuant thereto.

Mr. Beatty, from the committee to whom was referred a bill from the House of Representatives, entitled an act for the benefit of Thomas Smith and others, reported the same with an amendment, which being twice read, was concurred in.

Ordered, That the said bill, as amended, be read a third time on Monday next.

Mr. Daviess, from the committee of courts of justice, reported a bill to secure the public papers and records throughout this
commonwealth, from destruction by fire or otherwise—which bill was read the first time, and ordered to be read a second time.

A bill from the House of Representatives entitled, an act to provide for the safe keeping of Jesse Hide and Ottaway Hide, was read the first time, and ordered to be read a second time.

Mr. Daviess, from the committee to whom was referred a bill changing the time of holding the Anderson circuit court, reported the same with an amendment, which being twice read, was concurred in.

Ordered, That the said bill, as amended, be engrossed and read a third time on Monday next.

The Senate resumed the consideration of a bill, more effectually to prevent the importation of slaves—the first section of said bill is as follows, to wit:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the fourth day of July, in the year 1828, the importation of slaves to this State shall be, and the same is hereby prohibited; and all right of property in, or to persons so imported, contrary to the provisions of this act, and to descendants of the females of them, shall be forfeited, and they shall be free and entitled to all the rights and privileges of free persons of colour; Provided, that nothing in this act shall be construed to affect the right of emigrants to this state, to bring with them, slaves for their own use, "and not as merchandise;" or to any traveller or sojourner from another state making only a transitory stay, and bringing with him or her a slave or slaves for necessary attendance only; or to any person emigrating from one to another of the United States, and passing through this state with his slaves without attempting to sell or hire any such slave herein, for more than three months; or to any citizen of this state importing a slave or slaves acquired by descent or devise.*

Mr. Hardin moved to amend the said section, by inserting after the word "State" printed in italics the first time it occurs, the words, "for merchandise."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. J. Green and Carneal, were as follows, to wit:


The said bill was then recommitted to a committee of Messrs. Hardin, Wickliffe, M'Connell and Hickman.
Mr. Carneal moved the following resolution, to-wit:
Resolved, That the Rev. Silas M. Noel, John T. Edgar and Edward Stephenson be and they are hereby elected to officiate alternately as Chaplain, to the Senate, during the remainder of this session, and that a committee of three be appointed to wait on those gentlemen for the purpose of informing them of the same.

Mr. Dudley moved to lay the said resolution on the table, and the question being taken thereon, it was decided in the negative.

The Senate being equally divided, the Speaker voted in the negative.

The yeas and nays being required thereon, by Messrs. Dudley and Carneal, were as follows, to-wit:


Mr. Carneal, with the leave of the Senate, withdrew the said resolution.

Mr. Selby moved the following resolution, to-wit:
Resolved, That the Reverend Silas M. Noel, John T. Edgar, Edward Stephenson and George M. Elder be and they are hereby respectfully requested to officiate alternately as Chaplain to the Senate, during the remainder of this session; and that a committee of three be appointed to wait on those gentlemen for the purpose of informing them of the same.

Mr. Crutcher moved to lay the said resolution on the table, until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Crutcher and Wickliffe, were as follows, to-wit:


Mr. Wickliffe moved that the Senate do now proceed to the election of a Chaplain, pursuant to the resolution adopted on the 13th instant.
And the question being taken thereon, it was decided in the affirmative.

The Senate being equally divided, the Speaker voted in the affirmative.

The yeas and nays being required thereon by Messrs. M'Millan and Cockerill, were as follows, to-wit:


At 15 minutes after 3 o'clock, P. M. Mr. Hardin moved that the Senate do now adjourn.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hardin and Cockerill, were as follows, to-wit:


The Senate then proceeded to the election of a Chaplain, and the vote stood thus:


For the Rev. I'ward Stephenson—Mr. Lockett—1.


And then the Senate adjourned.

MONDAY, DECEMBER 17, 1827.

The Senate assembled.

Mr. Cockerill, from the joint committee of enrollments, reported, that the committee had examined an enrolled bill entitled, "an act authorizing the county court of Spencer to have an additional term, on the third Monday in January 1821; and had found,
the same truly enrolled; and that the Speaker of the House of Representatives had signed the same.

Whereupon the Speaker of the Senate affixed his signature thereto; and the said bill was delivered to the said committee, to be laid before the Governor for his approbation and signature.

After a short time Mr. Cockerill reported that the committee had performed that duty.

Mr. Carneal presented the petition of sundry citizens of Lincoln and Mercer counties, praying for the formation of a new county out of parts of each of said counties.

And Mr. Daviess presented the petition of Samuel Bonta, praying that a law may pass, providing some mode by which suits may be brought against the society of Shakers.

Which petitions were severally received, read and referred, the former to the committee of propositions and grievances, and the latter to the committee of courts of justice.

Mr. Pope from the committee of courts of justice, made the following report, to-wit:

The committee of courts of justice, have had under consideration, that part of the Governor's message, which relates to the rules of the Federal court, and report to the Senate the following resolutions:

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be instructed, and our Representatives in Congress be requested, to use their best exertions to procure the passage of a law requiring the Federal court, from time to time, to adopt the execution laws of the respective States, made for the citizens thereof, in all cases, except those in which the United States may both nominally and beneficially, be the plaintiff, and prohibiting the said courts from the adoption of rules regulating executions, in violation of those laws of the states respectively, except as above.

Resolved, That the Governor of this Commonwealth, be requested to transmit a copy of the foregoing resolution to the President and each of our Senators and representatives in Congress.

Mr. Pope from the same committee, made the following report, to-wit:

The committee of courts of justice, according to order, report a bill further to regulate the Court of Appeals, with the following resolution, to-wit:

Resolved, That the said bill ought not to pass.

The said bill and resolution were laid on the table.

Mr. Pope from the committee appointed on that part of the Governor's message, which relates to an amendment to the constitution of the United States, made the following report, to-wit:

The committee raised on that part of the Governor's message, which recommends an amendment to the constitution of the Unit-
ed States to alter the mode of electing a President and Vice President of the United States, submit the following resolutions, to wit:

1. Resolved by the General Assembly of the Commonwealth of Kentucky, That they deem the amendment proposed by the Executive in his message expedient.

2. Resolved, That it is expedient so to amend the Constitution of the United States, as to cause the people of each state, to vote directly for the President and Vice President, instead of voting for Electors, and to provide against an election by Congress, or by either house thereof; retaining in the first vote by the people, the relative number of electoral votes of the several States, composed of the representation in the House of Representatives and Senate, as now established by the constitution, and in any subsequent vote by the people, the equality of the States.

3. Resolved, that our Senators in Congress be instructed, and our Representatives be requested to submit to the Congress of the United States, a proposition for an amendment to the Constitution of the United States, conformable to the principles of the foregoing resolution, and to use their best efforts to cause the proposition for amendment to be proposed by Congress, to the Legislatures of the several States for adoption according to the provision contained in the constitution.

4. Resolved, That the Governor of this Commonwealth, be requested to transmit a copy of the foregoing resolutions, to the Governor of each state, with a request that they be laid before the legislature thereof, and to each of our Senators, and Representatives in the Congress of the United States.

Ordered, That the public printer, print one hundred and fifty copies of said report for the use of the General Assembly.

Mr. Harris presented the report of the commissioners appointed to superintend the opening a road from Prestonsburg to the Virginia line, by way of Pikesville.

Ordered, That the said report be referred to the committee of internal improvements.

Mr. Crutcher moved the following resolutions, to wit:

Resolved, That the committee of courts of justice be instructed to enquire into the expediency of passing a law, providing for the appointment, and compensation, of one or more Lawyers of this state, whose duty it shall be, to proceed to Washington City, for the purpose of defending the validity and constitutionality of the seven year limitation law, and the twenty years limitation law.

Which being twice read, on the motion of Mr. A. S. Hughes, the said resolution was amended, by adding thereto these words, "and the limitation law passed January 22d, 1814;" and was then concurred in.
Mr. Faulkner moved the following resolution, to-wit:

Resolved, That it shall be the standing rule of the Senate, that the Speaker shall call up the orders of the day, precisely at the hour of twelve, and the Senate shall then proceed to consider the orders of the day regularly, as they stand on file, except for good cause, the orders of the day may, at any time, be dispensed with, by two thirds of the Senate, without debate.

Mr. Wickliffe moved to lay the said resolution on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Cockerill, were as follows, to-wit:


NAYS—Messrs. Beatty, Cockerill, Cunningham, Daniel, Faulkner, Fleming, J. Green, J. Hughes, Hardin, Harris, Maupin, McConnell, M'Millan and White—14.

The following bills were reported from the several committees appointed to prepare and bring in the same.

By Mr. M'Millan—1. A bill to establish an election precinct in the county of Barren.

By Mr. Wickliffe—2. A bill to authorize the county court of Wayne, to appropriate certain lands for the purpose of opening a road through parts of Wayne and Whitley counties; and,

By Mr. A. S. Hughes—3. A bill for the benefit of the clerk of the Nicholas circuit court.

Which bills were severally read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the third bill having been dispensed with, and the same being engrossed.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. A. S. Hughes carry the said bill to the House of Representatives and request their concurrence.

Messages were received from the House of Representatives, announcing the passage of bills of the following titles, to-wit:

An act for the benefit of the sheriff of Hopkins county; and,

An act for the benefit of the executors of John Hudson, dec'd.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Allen—1. A bill to continue in force the law providing for the appointment of Commonwealth's attorneys.

On the motion of Mr. Wickliffe—2. A bill to more effectually guard the right of suffrage from abuse, and for other purposes.

And on the motion of Mr. Rodman—3. A bill to give the trustees of New-Castle further powers in said town.
Messrs. Allen, Fleming and Cockerill were appointed a committee to prepare and bring in the first; Messrs. Wickliffe, Green, Crutcher and Allen the second; and, Messrs. Rodman, Gibson, White and Pope the third.

An engrossed bill entitled, "an act for the benefit of the heirs of William Trotter and others," was read the third time.

Resolved, That the said bill do pass, and that the title be amended to read, "an act for the benefit of the commissioners appointed to fix the county seat of Anderson county."

Ordered, That Mr. Dudley carry the said bill to the House of Representatives, and request their concurrence.

Bills from the House of Representatives of the following titles, to-wit:

1. An act for the benefit of the Sheriff of Hopkins county.
2. An act for the benefit of the administrator and heirs of Richard C. Anderson deceased.
3. An act to alter the mode of taking in lists of taxable property.

Were severally read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the first and second bills having been dispensed with; the first was committed to a select committee of Messrs. Beatty, Lockett and Wood, and the second to the committee of courts of justice.

1. A bill to explain an act entitled, "an act to establish the county of Edmonson."
2. A bill to amend and extend an act passed February 22d, 1797, concerning writs of ad quod damnum; and,
3. A bill for the benefit of John Jones, Justice Huffaker and Rodes Garth.

Were severally read the second time: the first was referred to the committee of propositions and grievances, and the second and third ordered to be engrossed and read a third time to-morrow.

A bill from the House of Representatives, entitled, "an act to enlarge the constable's district, composed at present, of the town of Paris in the county of Bourbon," was read the third time; and the question being taken on the passage thereof, it was decided in the negative, and so the said bill was disagreed to.

Ordered, That Mr. Wood inform the House of Representatives thereof.

And then the Senate adjourned.
The Senate assembled.

A message was received from the House of Representatives, informing the Senate, that they had received official information, that on the 11th instant, the Governor approved and signed enrolled bills and resolutions, which originated in the House of Representatives, of the following titles, to-wit:

An act to authorize the insertion of advertisements in certain newspapers.

An act to alter the time of comparing the polls in the Eleventh Congressional District.

A resolution for appointing joint committees to examine the Public Office, the Penitentiary, the Bank of Kentucky and the Bank of the Commonwealth;

And that the House of Representatives had passed bills of the following titles, to-wit:

An act to amend the several laws establishing the town of Covington.

An act for the benefit of Robert Raiby.

An act to legalize the proceedings of the Grant county Court, at an extra term of said Court.

An act to provide for an additional Chancery term of the Madison Circuit Court.

An act to take the sense of the people of this Commonwealth, as to the propriety of calling a Convention.

An act to amend an act, incorporating the Hartford Manufacturing Company. And,

An act designating the boundary of the Constable's District, including the town of Monticello, in Wayne county.

1. Mr. Green presented the remonstrance of sundry citizens of Lincoln county, against the formation of a new county out of parts of said county, and the county of Mercer.

2. Mr. Davies presented the remonstrance of sundry citizens of Mercer county, against the formation of said new county.

3. And the response of Francis Voris to the petitions of Samuel Bonta and others, remonstrating against the passage of a law providing any other mode for prosecuting suits against the society of Shakers, than against other citizens of this Commonwealth.

4. Mr. Cockerill presented the petition of sundry citizens, praying that the line between the counties of Barren and Edmonson, may be run and established.

5. Mr. Daniel presented the petition of some of the heirs of John Jouitt, deceased, praying that a law may pass authorizing the conveyance of the right of the infant heirs of Matthew Jouitt, deceased, to two tracts of land which have been sold by the petitioners with the consent of said Matthew Jouitt—
Which petitions were severally received, read and referred; the 1st, 2d and 4th to the committee of propositions and grievances, and the 8d and 5th to the committee of courts of justice.

Mr. Allen from the committee appointed for that purpose, reported a bill to continue in force, the law providing for the appointment of Commonwealth's attorneys.

Which bill was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was committed to the committee of courts of justice.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Cockerill—1. A bill to reduce certain officers' salaries in this Commonwealth, and for other purposes.

On the motion of Mr. Harris—2. A bill to establish an election precinct in the county of Floyd. And,

On the motion of Mr. Given—3. A bill concerning the settlers south-west of the Tennessee river.

Messrs. Cockerill, Daniel and Allen were appointed a committee to prepare and bring in the first; Messrs. Harris, Fleming and A. S. Hughes, the second, and, Messrs. Given, Summer and Lockett, the third.

Mr. Fleming moved for leave to bring in a bill for the divorce of Hannah Crain.

And the question being taken on granting leave to bring in said bill, it was decided in the negative, and so the said motion was disagreed to.

On the motion of Mr. Beatty, leave was given to withdraw the petition of John Tomlinson.

Bills from the House of Representatives of the following titles, to-wit:

1. An act to amend the several laws establishing the town of Covington.

2. An act further to regulate the powers of the trustees of the town of Mount Vernon, in Bullitt county, and for other purposes.

3. An act to change the place of voting in the Sharpsburg precinct in Bath county, and for other purposes.

4. An act for the benefit of the Southern College and Lancaster Seminary.

5. An act to add a part of Adair to Casey county.

6. An act for the divorce of John Cochran.

7. An act to amend and explain an act entitled, "an act to reduce the price of land between Walker's line and latitude 36° 30' north and east of Tennessee river," approved January 22d, 1827.

8. An act to alter the time of holding certain courts.
9. An act to appoint additional Constables in certain counties, were severally read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second reading of the 1st, 5th, 7th and 8th bills having been dispensed with; the 1st was committed to the committee of courts of justice—and the 5th, 7th and 8th were ordered to be read a third time.

And thereupon the rule of the Senate, constitutional provision and third reading of the 5th, 7th and 8th bills having been dispensed with.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Selby inform the House of Representatives of the passage of the 5th bill—Mr. Beatty of the 7th, and Mr. Cockerill of the 8th.

Mr. Beatty from the committee to whom was referred a bill from the House of Representatives entitled, "an act for the benefit of the Sheriff of Hopkins county," reported the same with an amendment, which being twice read, was concurred in.

Ordered, That the said bill as amended, be read a third time.

And thereupon the rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

Resolved, That the said bill as amended, do pass, and that the title be amended to read,

An act for the benefit of the Sheriffs of Hopkins and Wayne counties.

Ordered, That Mr. Lockett inform the House of Representatives thereof and request their concurrence in the said amendments.

1. A bill to repeal parts of an act approved January 7th, 1824, entitled, an act to revive and amend the champerty laws, and more effectually to secure the bonafide occupants of land within this Commonwealth.

2. A bill concerning the appropriation of fines and forfeitures in the county of Mason.

3. A bill for the benefit of the heirs of Peter Follis.

4. A bill more effectually to guard the occupant of land.

5. A bill to amend an act entitled, an act for opening a road from Cynthiana to Maysville, approved January 4th, 1827. And,

6. A bill to secure the public papers and records throughout this Commonwealth, from destruction by fire or otherwise—were severally read the second time.

The first and fourth were committed to the committee of courts of justice; the second to a committee of Messrs. A. S. Hughes, Daviss and Taylor—and the third, fifth and sixth were ordered to be engrossed and read a third time.
And thereupon the rule of the Senate, constitutional provision and third reading of the fifth bill having been dispensed with, and the same being engrossed.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Taylor carry the said bill to the House of Representatives and request their concurrence.

Bills from the House of Representatives entitled, an act to establish a town in the county of Oldham; and an act to repeal the 4th section of an act to change the time of holding certain courts in the 7th Judicial District, approved January 25th, 1827, and for other purposes,

Were read the first time and laid on the table until the 4th day of July next.

Bills from the House of Representatives entitled, an act making a Chancery term to the Montgomery Circuit Court; and a special term to the Franklin Circuit Court; and an act for the benefit of Thomas Smith and others,

Were read the third time, as amended.

Resolved, That the said bills do pass, and that the title of the former be amended to read "an act making a chancery term to the Montgomery Circuit Court," and that the title of the latter be as aforesaid.

Ordered, That Mr. Daniel inform the House of Representatives thereof, and request their concurrence in said amendments.

An engrossed bill entitled, an act to change the time of holding the Anderson Circuit Court—was read the third time, and recommitted to a committee of Messrs. Garrard, Daviess and Dudley.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 19, 1827.

The Senate assembled.

Mr. Will's Green, a member of the Senate from the counties of Ohio, Daviess and Breckenridge, appeared, produced a certificate of his election, and of his having taken the several oaths prescribed by the constitution of the United States, and the constitution and laws of this state, and took his seat.

Mr. Daviess presented the memorial of the Synod of Kentucky representing that a variety of property belonging to their society, as funds of the late Kentucky academy, and now in the possession of the trustees of the Transylvania University, was taken from their possession and control, by an act of the legislature, passed in the year 1818; by which act the trustees of Transylvania University were removed from office, contrary to their consent, and the charter of said University; and praying that said property...
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or its value, may be paid over to the trustees of the Centre College of Kentucky.

Which memorial was received, read and referred to the committee of courts of justice.

Messages were received from the House of Representatives, announcing the passage of bills of the following titles, to-wit:

An act to regulate the sale of the land west of the Tennessee river.

An act to incorporate the Clay and Jefferson Seminaries; and,

An act to divorce Sally Cole from her husband James Cole.

Mr. Cockerill from the joint committee of enrollments reported, that the committee had examined enrolled bills of the following titles, to-wit:

An act to amend and explain an act, entitled, "an act to reduce the price of land between Walker's line and latitude 36° 30' north, and east of the Tennessee river," approved Jan. 22, 1827,

An act to alter the time of holding certain courts; and,

An act to add a part of Adair to Casey county.

And had found the same truly enrolled; and that the Speaker of the House of Representatives had signed the said bills.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the said committee to be laid before the Governor for his approbation and signature.

After a short time, Mr. Cockerill reported, that the committee had discharged that duty.

Mr. Pope from the committee of courts of justice made the following report, to-wit:

The committee of courts of justice have, according to order, had under consideration the petition of some of the heirs of John Jouitt, deceased, praying that a law may pass authorizing the conveyance of the right of the infant heirs of Matthew Jouitt deceased, to two tracts of land, which have been sold by the petitioners, with the consent of the said Matthew, and have come to the following resolutions thereupon, to-wit:

1. Resolved, That so much of the said petition as relates to the tract of land called the Indian Fields, be rejected, because the law now in force affords a remedy.

2. Resolved, That so much of said petition as relates to the tract of land called the Mill creek farm, is reasonable.

Which being twice read,—On the motion of Mr. Daniel, the first resolution was amended by striking out the words "be rejected," and inserting in lieu thereof, "is reasonable," and the said report was then concurred in.

Ordered, That Messrs. Daniel, Fleming and Hardin be appointed a committee to prepare and bring in a bill pursuant thereto.

Mr. Pope, from the committee of courts of justice, to whom was
referred, a bill from the House of Representatives, entitled, "an act for the benefit of the administrator and heirs of Richard C. Anderson deceased, reported the same without amendment.

Ordered, That the said bill be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. J. Hughes inform the House of Representatives thereof.

Mr. A. S. Hughes, from the committee to whom was referred, a bill concerning the appropriation of fines and forfeitures in the county of Mason, reported the same with an amendment.

Which being twice read was concurred in.

Ordered, That the said bill be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that the title be, an act concerning the appropriation of fines and forfeitures in the counties of Mason and Nicholas.

Ordered, That Mr. Taylor carry the said bill to the House of Representatives and request their concurrence.

Mr. Crucher moved for leave to bring in a bill to repeal the several acts concerning duelling.

And the question being taken on granting leave to bring in said bill, it was decided in the negative.

The yeas and nays being required thereon by Messrs. J. Green and Cockerill, were as follows, to wit:


Leave was given to bring in the following bills to-wit:

On the motion of Mr. Daviess—1. A bill to establish a Female academy in the town of Harrodsburg.

On the motion of Mr. Woods—2. A bill to amend an act, entitled, "an act to amend the several laws regulating the towns of Harrodsburg, Richmond and Hopkinsville," approved December 21, 1825; and,

On the motion of Mr. Given—3. A bill for the benefit of John E. Wilson.

Messrs. Daviess, J. Green and Pope were appointed a committee to prepare and bring in the first bill; Messrs. Woods, De-
vices and Summers the second, and Messrs. Given, Lockett and W. Green the third.

Bills from the House of Representatives of the following titles:
An act to alter the mode of taking in lists of taxable property.
And an act to provide for the safe keeping of Jesse Hide and Otaway Hide.

Were read a second time; the former bill was committed to the committee of finance, and the latter ordered to be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the latter bill having been dispensed with:
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Cunningham inform the House of Representatives thereof.

A bill to establish an election precinct in the county of Barren;
And a bill to authorize the county court of Wayne to appropriate certain lands, for the purpose of opening a road through part of Wayne and Whitley counties;

Were each read the second time, and ordered to be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the latter bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Beatty carry the said bill to the House of Representatives and request their concurrence.

The yeas and nays being required on the passage of the said bill, by Messrs. Carneal and Woods, were as follows, to wit:


A bill from the House of Representatives, entitled, "an act for the benefit of the executors of John Hudson deceased," was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the said bill, having been dispensed with, the said bill was referred to the committee of courts of justice.

The Speaker laid before the Senate a letter from the Secretary of state, covering a list of the number of justices of the peace in the several counties in this Commonwealth, made out in pursuance to a resolution of the Senate.
Mr. Beauty read and laid on the table the following resolution, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Governor of this Commonwealth be respectfully requested, to address a letter to Thomas J. Matthews, Esq. professor of Mathematics in the Transylvania University, requesting him to deposit in the hands of the Treasurer of this Commonwealth, subject to the future disposition of the legislature of this state, a Sextant, which he purchased with the funds of the state.

Resolved further, That the line as run and marked by Thomas J. Matthews, appointed on the part of this Commonwealth, to ascertain, run and mark the true chartered line, between this state and the state of Tennessee, in pursuance of the compact entered into and ratified by the legislature of both states, fixing their common boundary, be, and the same is hereby declared to be the true chartered line, run in the proper latitude 36° 30' north.

And then the Senate adjourned.

THURSDAY, DECEMBER 26, 1827.

The Senate assembled.

1. Mr. Cockerill presented the petition of sundry citizens of the counties of Warren, Allen and Barren, praying for the formation of a new county out of a part of each of said counties;

2. And also a petition counter thereto.

3. Mr. Given presented the petition of sundry citizens, praying that a state road may be opened from Smithland, at the mouth of Cumberland river, to pass through Salem, Centerville, Princeton, Gainesburg, Hopkinsville, Elkton, Russellville and Shakertown, to Bowling-green.

4. And also the petition of Sarah Worman, praying a divorce from her husband John Worman.

Which petitions were severally received, read and referred: the first and second to the committee of propositions and grievances: the third to the committee of internal improvements: and the fourth to the committee of religion.

Mr. Harris from the committee appointed for that purpose, reported a bill to establish an election precinct in Floyd county, which was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with, and the same being amended at the clerk's table and engrossed;

Resolved, That the said bill do pass, and that the title be, an act to establish an election precinct in Floyd county, and for other purposes.
Ordered, That Mr. Harris carry the said bill to the House of Representatives and request their concurrence.

Mr. Garrard from the committee to whom was referred an engrossed bill entitled, an act to change the time of holding the Anderson Circuit Court, reported the same with an amendment, which being twice read was concurred in.

Ordered, That the said bill be re-engrossed and read a third time to-morrow.

Mr. Woods from the committee appointed for that purpose, reported a bill to amend an act entitled, an act to amend the several laws regulating the towns of Harrodsburgh and Richmond and Hopkinsville, approved December 21st, 1825, which was read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Woods carry the said bill to the House of Representatives and request their concurrence.

Mr. Given from the committee appointed for that purpose, reported a bill for the benefit of John E. Wilson, which was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was committed to a committee of Messrs. Given, Hardin, Selby and Maupin.

Mr. Cockerill moved to take up a bill from the House of Representatives entitled, an act to take the sense of the people of this Commonwealth as to the propriety of calling a convention.

Mr. Crutcher moved that the Senate do now proceed to the consideration of the orders of the day.

And the question being taken on the motion of Mr. Crutcher, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Cockerill and Carneal, were as follows, to-wit:


A message from the House of Representatives by Mr. Hanson, Mr. Speaker: The House of Representatives have passed a
resolution for a recess of the General Assembly, in which they request the concurrence of the Senate.

And then he withdrew.

Engrossed bills of the following titles, to-wit:

1. An act to amend and extend an act passed February 22d, 1797, concerning writs of ad quod damnum.

2. An act for the benefit of John Jones, Justice Huffaker and Rodes Gaith—were read the third time, and the former bill was laid on the table until the first day of June next.

Resolved, That the latter bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Beatty carry the said bill to the House of Representatives and request their concurrence.

A bill from the House of Representatives entitled, an act to provide for an additional chancery term of the Madison Circuit Court, was read the first time and ordered to be read a second time.

A bill from the House of Representatives entitled, an act to legalize the proceedings of the Grant County Court at an extra term of said Court—was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with: the said bill was referred to the committee of Courts of Justice.

A bill from the House of Representatives entitled, an act for the benefit of Robert Raiby, was read the first time, and the question being taken on reading the said bill a second time, it was decided in the negative.

And so the said bill was disagreed to.

Ordered, That Mr. Hickman inform the House of Representatives thereof.

A bill from the House of Representatives entitled, an act further to regulate the powers of the trustees of the town of Mount Vernon in Bullit county, and for other purposes; was read the second time and ordered to be read a third time.

A bill from the House of Representatives entitled, an act to change the place of voting in the Sharpsburg precinct in Bath county, and for other purposes; was read the second time and ordered to be read a third time.

And thereupon the rule of the Senate, constitutional provision and third reading of said bill having been dispensed with;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Harris inform the House of Representatives thereof.

A bill from the House of Representatives entitled, an act for
the divorce of John Cochran, was read the second time, as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage between John Cochran and Catherine Cochran be, and the same is hereby dissolved, and that the said John shall hereafter enjoy all the rights and privileges of an unmarried man.

And the question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Hardin and Daviess, were as follows, to-wit:

YEAS—Messrs. Cockerill, Crutcher, Daviess, Fleming, Given, J. Hughes, A. S. Hughes, Pope, Rodman, Selby and Smith—11.


Ordered, That Mr. Harris inform the House of Representatives thereof.

Mr. Dudley moved to dispense with the further consideration of the orders of the day:

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Maupin and Daviess, were as follows, to-wit:

YEAS—Messrs. Allen, Cunningham, Crutcher, Dudley, Fleming, J. Green, Garrard, Gibson, Hardin, M'lllan, Muldrow, Pope, Selby, Summers, White and Wickliffe—16.


The resolution from the House of Representatives for a recess of the General Assembly, was taken up and read, as follows, to-wit:

In the House of Representatives, Dec. 20, 1827.

Resolved by the General Assembly of the Commonwealth of Kentucky, That when the Legislature adjoin on Saturday the 22d instant, they will adjourn until Thursday the 27th instant.

Extract, &c.

Attest. R. S. TODD, c. n. r.

Mr. Cockerill moved to amend the said resolution by adding thereto the following, to-wit:

Resolved further, That those members who leave Frankfort during the recess either on pleasure or business, shall state that fact to the clerk of the House to which he belongs, when he ap-
plies for a certificate of his term of service, and the clerk shall deduct from his pay the length of time embraced by the foregoing resolution.

Mr. Wood moved to lay the said resolution and amendment on the table until the first Monday in August next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wood and Cockerill, were as follows, to-wit:

YEAS—Messrs. Allen, Barrett, Cockerill, Cunningham, Crutcher, Faulkner, Given, J. Hughes, Hardin, Hickman, Harris, Maupin, M'Connell, Selby, Summers, Taylor and Wood—17.


The question was then taken on adopting the amendment proposed by Mr. Cockerill; and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cockerill and Maupin, were as follows, to-wit:


Mr. Faulkner then moved to amend the said resolution by striking out "Thursday the 27th," and inserting in lieu thereof "Monday the 31st."

Mr. Fleming called for a division on the question.

And the question was taken on striking out Thursday the 27th, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. M'Connell and Gibson, were as follows, to-wit:


The question was then taken on concurring in the said resolution, and it was decided in the affirmative.

The Senate being equally divided, the Speaker voted in the affirmative.
The yeas and nays being required thereon, by Messrs. Cockerill and M'Connell, were as follows, to-wit:


**NAYS**—Messrs. Allen, Barrett, Cockerill, Cunningham, Crutcher, Faulkner, Given, J. Hughes, A. S. Hughes, Hardin, Hickman, Harris, Maupin, M'Connell, Selby, Summers, Taylor and Wood—18.

Ordered, That Mr. M'Millan inform the House of Representatives thereof.

And then the Senate adjourned.

**FRIDAY, DECEMBER 21, 1827.**

The Senate assembled.

Mr. Cockerill from the joint committee of enrollments, reported, that the committee had examined an enrolled bill entitled, "an act to provide for the safe keeping of Jesse Hide and Ottawa Hide."

And had found the same truly enrolled; and that said bill was signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and the said bill was delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time Mr. Cockerill reported, that the committee had performed that duty.

1. Mr. Taylor presented the petition of sundry stockholders of the Bank of Kentucky, praying that a law may pass, providing for closing the concerns of that institution.

2. Mr. M'Connell presented the petition of E. W. Dewgan, Colonel of the 7th Regiment of Kentucky militia, praying that the Sheriff of Greenup county may be compelled to receive and collect the militia fines of said regiment, assessed in the year 1826.

3. Mr. Fleming presented the petition of sundry citizens of Fleming county, praying that they may be detached from the 114th Regiment of Kentucky militia, and added to the 30th Regiment.

4. Mr. Given presented the petition of James Lyle, representing that he is in indigent circumstances, old and infirm, and that he served two tours of duty in the Virginia militia, during the revolutionary war, and praying for a donation of a quarter section of land, west of the Tennessee river, on which he now resides. And.

5. Mr. White presented the petition of Eliza B. Shannon, praying a divorce from her husband Thomas Shannon.

Which petitions were severally received, read and referred:
the first and second to the committee of courts of justice; the third to a select committee of Messrs. Fleming, A. S. Hughes, Cockerill and Maupin; the fourth to the committee of propositions and grievances, and the fifth to the committee of religion.

The Speaker laid before the Senate a report of the trustees of Transylvania University, exhibiting the situation of that institution, and requesting a donation from the state.

Ordered. That the said report be referred to the committee on that part of the Governor's message which relates to education.

Mr. Pope from the committee of courts of justice, to whom was referred, a bill from the House of Representatives, entitled, "an act to amend the several laws establishing the town of Covington," reported the same with amendments.

Which being twice read, were concurred in.

Ordered. That the said bill, as amended, be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

Resolved. That the said bill, as amended, do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Carneal inform the House of Representatives thereof and request their concurrence in the said amendments.

On the motion of Mr. Carneal, he was excused from voting on the passage of the said bill.

Mr. Smith, from the committee of religion, made the following report, to-wit:

The committee of religion have, according to order, had under consideration, the petition of Sarah Worman, praying that a law may pass, divorcing her from her husband John Worman, and have come to the following resolution thereon, to-wit:

Resolved. That said petition be rejected.

Which being twice read was concurred in.

Mr. Daviees presented the petition of Thomas Cross, praying that William Parham, a justice of the peace for Todd county, may be removed from office, upon charges set forth in said petition.

Which petition was received, read and laid on the table.

On the motion of Mr. Faulkner—Leave was given to bring in a bill to authorize a special term to be held by the judge of the 12th judicial district, in the county of Garrard, for the purpose of trying a negro slave, named Isaac, who stands charged with murder.

And Messrs. Faulkner, Green and Daviees were appointed a committee to prepare and bring in the same.

After a short time Mr. Faulkner from the said committee reported a bill.

Which was read the first time, and ordered to be read a second time.
And thereupon the rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Faulkner carry the said bill to the House of Representatives and request their concurrence.

On the motion of Mr. Green—Leave was given to bring in a bill for the benefit of Alfred and Isaac Shelby; and,

On the motion of Mr. Davies—Leave was given to bring in a bill to regulate the town of Salvista, in the county of Mercer.

Messrs. Green, Faulkner and Carneal were appointed a committee to prepare and bring in the former bill, and Messrs. Davies, Green and Pope the latter.

A message from the House of Representatives by Mr. Forrest:

Mr. Speaker—The House of Representatives have passed a bill, entitled, “an act to allow additional justices of the peace for the counties of Washington and Scott,” in which they request the concurrence of the Senate.

And then he withdrew.

Mr. M'Connell from the select committee appointed at the last session of the General Assembly, reported a bill to amend and reduce into one, the execution laws of this state.

Which was read the first time and ordered to be read a second time.

Ordered, That the public printer print one hundred and fifty copies of said bill for the use of the General Assembly.

Mr. Hardin from the committee to whom was referred, a bill for the benefit of John E. Wilson; reported the same with an amendment.

Which being twice read, was concurred in.

And the question being taken on engrossing the said bill and reading it a third time to-morrow, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Carneal, were as follows, to-wit:

YEAS—Messrs. Allen, Beatty, Barrett, Cockrell, Cunningham, Dudley, Given, Gibson, A. S. Hughes, Hardin, Harris, Maupin, Selby, Summers, Smith and White—16.


A message from the Governor by Mr. Pickett, secretary of state.

Mr. Speaker—On the 11th inst. the Governor approved and signed an enrolled bill, which originated in the Senate, of the following title, to-wit:

An act to amend an act, entitled, an act for the benefit of the
headright and Tellico settlers, and for other purposes," passed December 28, 1826.

And on the 17th inst. he approved and signed an enrolled bill, which originated in the Senate, of the following title:

An act authorizing the county court of Spencer county, to have an additional term on the third Monday in January, 1828.

And then he withdrew.

Mr. Hardin from the select committee to whom was referred, a bill more effectually to prevent the importation of slaves, reported the same with an amendment;

Which being twice read:

Ordered, That the said bill and amendment be laid on the table until the second day of January next.

Mr. Pope, from the committee of courts of justice, reported a bill concerning infants estate, derived by will.

Which bill was read the first time and ordered to be read a second time.

The joint resolutions read and laid on the table by Mr. Beatty, on the 19th inst. were taken up, twice read, and the first resolution amended, and adopted as follows, to-wit:

Resolved, by the General Assembly of the Commonwealth of Kentucky, That the Governor of this Commonwealth be respectfully requested, to address a letter to Thomas J. Matthews, Esq. professor of Mathematics in the Transylvania University, requesting him to deposit in Transylvania University, subject to the future disposition of the legislature of this state, a Sextant, which he purchased with the funds of the state.

Ordered, That Mr. Beatty carry the said resolution to the House of Representatives and request their concurrence.

The second resolution was referred to a committee of Messrs. Beatty, Wickliffe and Hardin.

On the motion of Mr. Hardin—Leave was given to bring in a bill to change the place of voting in the New Hope precinct in Nelson county, and for other purposes.

And Messrs. Hardin, Selby and Wood were appointed a committee to prepare and bring in the same.

The resolution to amend the rules of the Senate, moved by Mr. Faulkner on the 17th inst. was taken up and adopted.

A bill from the House of Representatives, entitled, "an act to take the sense of the people of this Commonwealth, as to the propriety of calling a convention, was read the first time as follows, to-wit:

Whereas, it is expedient to take the sense of the good people of this Commonwealth, as to the propriety of calling a convention;

Sec. 1. Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That at the general election in August next, it shall be the duty of the several sheriffs and judges of
election, at the different places for holding elections, in the several counties in this Commonwealth, to cause a poll to be opened for those who are in favor of calling a convention, in pursuance of the ninth article of the constitution of Kentucky; and it shall be the duty of the sheriffs of the several counties, to cause the votes taken at the respective county seats, and other places appointed by law for holding elections, to be compared in the same manner, and at the same time, as is provided for in relation to elections for members of the House of Representatives; and after having examined and compared all the votes of said county, the several sheriffs of the respective counties, shall certify the whole number of votes given in favor of a convention, and shall, forthwith, deposit one copy of said certificate with the clerk of the county court of the respective counties, to be by him safely kept, and shall also, within ten days after the said election, forward one other copy thereof to the secretary of state, by mail; which said copy shall be safely kept and filed away by said secretary; and if any copy of the returns shall fail to come to hand, it shall be the duty of the secretary of state, to write to the clerk of the county in which the failure took place, for the copy deposited with said clerk, whose duty it shall be to forward the same, retaining a duplicate.

Sec. 2. Be it further enacted, That it shall be the duty of the secretary of state to make out a full statement of all the votes thus given for a convention, and make a report thereof to the next succeeding legislature, on the first day of the session, if a quorum be then formed, and if not, then on the first day on which a quorum shall be formed.

Sec. 3. Be it further enacted, That any clerk or sheriff, who shall fail in performing any of the duties herein prescribed, shall be subject to a fine of one hundred dollars.

And the question being taken on reading the said bill a second time, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Hardin and Cockerill, were as follows, to wit:


Ordered, That Mr. Dudley inform the House of Representa-
tives thereof.

And then the Senate adjourned.
The Senate assembled:

The petition of Thomas Cross for the removal of William Parham from the office of a justice of the peace for Todd county, was taken up and referred to a committee of Messrs. Summers, Given, McConnell, Crutcher and Cunningham—the said committee to have power to send for persons, papers and records, for their information.

A message from the House of Representatives, by Mr. Hall of Barren.

Mr. Speaker: The House of Representatives have passed a bill, which originated in the Senate, entitled an act to authorize a special term, to be held by the Judge of the 12th Judicial District, in the county of Garrard, for the purpose of trying a certain negro slave named Isaac, who stands charged with murder; and they have adopted a joint resolution for appointing a committee, to examine the Auditor's office for the years 1825 and 1826, in which they request the concurrence of the Senate.

And then he withdrew.

Mr. Dudley from the committee of religion, reported a bill for the divorce of Eliza B. Shannon, which was read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and the second and third readings of the said bill having been dispensed with, and the same having been amended at the Clerk's table, and engrossed;

Resolved, That the said bill do pass and that the title be, an act to restore Eliza B. Shannon, and Malinda Morris to the privileges of feme sole.

Ordered, That Mr. Dudley carry the said bill to the House of Representatives, and request their concurrence.

A message from the House of Representatives by Mr. Bishop.

Mr. Speaker: The House of Representatives, has concurred in the amendments proposed by the Senate, to a bill from that House, entitled, an act for the benefit of the Sheriff of Hopkins county.

And then he withdrew.

Mr. Cockerill, from the joint committee of enrolments, reported that the committee had examined an enrolled bill entitled, an act to authorize a special term, to be held by the Judge of the 12th Judicial District, in the county of Garrard, for the purpose of trying a certain negro slave, named Isaac, who stands charged with murder; and had found the same truly enrolled, and that said bill was signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate, affixed his signature thereto.
Dec. 22.]

THE SENATE.

And the said bill was delivered to the committee, to be laid before the Governor, for his approbation and signature.

After a short time Mr. Cockerill, reported that the committee has discharged that duty.

Mr. Wickliffe, from the committee appointed for that purpose, reported a bill, more effectually to guard the right of suffrage and for other purposes.

Which was read the first time, and ordered to be read a second time.

Ordered, That the public printer, print one hundred and fifty copies of said bill, for the use of the General Assembly.

Mr. Allen from the committee appointed for that purpose, reported a bill to encourage medical learning, and regulate the practice of Physicians.

Which was read the first time, and ordered to be read a second time;

And thereupon the rule of the Senate, constitutional provision and second reading of the said bill, having been dispensed with, it was committed to a committee of Messrs. Beatty, Allen and Wickliffe.

Leave was given to bring in the following bills, viz:

On the motion of Mr. A. S. Hughes—1. A bill to provide for the internal improvement of the state of Kentucky.

On the motion of Mr. Selby—2. A bill authorising the county courts of Hardin, Green, Adair, Russell and Wayne, to appoint commissioners, to view a way through their respective counties, for a state road from the mouth of salt river, to the Tennessee state line, on the direction to Pyle's Turnpike Tennessee, and for other purposes.

On motion of Mr. Beatty—3. A bill authorizing the county courts of Franklin, Anderson, Mercer, Pulaski and Wayne, to view, and mark a way for a turnpike road from Frankfort to the Tennessee state line.

Messrs. A. S. Hughes, Hickman, Beatty and Muldrow, were appointed a committee to prepare and bring in the first bill; Messrs. Selby, Allen, Beatty and Crutcher, the second; and Messrs. Beatty, Daviess, J. Green and Dudley the third.

Ordered, That the public printer, print one hundred and fifty copies, of the report of the trustees of Transylvania University, for the use of the General Assembly.

Mr. Wickliffe, moved the following resolution to-wit:

Resolved, That a committee of three members, from the Senate be appointed to examine the Transylvania University, and Luminous Asylum, and report to the Senate the present condition of the same, and what, if any aid or legislative provision, the same or either of them may require.

Which being twice read, was adopted; and Messrs. Beatty, Mo-
Connell and Hardin, were appointed a committee, pursuant thereto.

Mr. McConnell moved the following resolution, to wit:

Resolved by the Senate, that a summons issued by the Chairman of the committee, raised upon the petition of Thomas Cross, for the removal from office of William Parham, a justice of the peace for Todd county, and served by the Sheriff of Todd county, shall be sufficient service, and that depositions taken in the county of Todd, upon reasonable notice, of the time and place of taking the same properly executed, either upon the said Thomas Cross, or William Parham, will be competent and proper evidence, to be received by said committee.

Which being twice read, and the question being taken on adopting the same, it was decided in the negative, and so the said motion was disagreed to.

On the motion of Mr. Wickliffe, ordered that the committee to whom was referred the petition of Thomas Cross, for the removal from office of William Parham, a justice of the peace for Todd county, be discharged from the further consideration of that subject.

On the motion of Mr. Harris, leave was given to bring in a bill to add a part of the county of Morgan to the county of Floyd; and Messrs. Harris, McConnell and Daniel, were appointed a committee to prepare and bring in the same.

And then the Senate adjourned.

THURSDAY, DECEMBER 27, 1827.

The Senate assembled.

Mr. Thomas S. Slaughter, a member of the Senate from the counties of Logan and Simpson appeared and took his seat.

Mr. Beatty moved the following resolution, to wit:

Resolved, That the committee raised on the part of the Senate to examine and report the situation of the Lunatic Asylum, be instructed and required to deposit in the Auditor's office, subject to the inspection of the members of the General Assembly, all the books, papers and vouchers in their possession, relative to the claims of certain individuals, for monies advanced towards the purchase of lots and for the erection of buildings thereon, for the use and benefit of said Asylum.

Which being twice read, was adopted.

Mr. Daviess, from the committee appointed for that purpose, reported a bill to establish a female academy in the town of Harrodsburg.

Which was read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision
and second reading of the said bill having been dispensed with, it was committed to the committee of courts of justice.

On the motion of Mr. Daviess leave was given to bring in a bill to appoint commissioners to view and mark out a State road from Harrodsburg to Prewitt's knob, in the county of Barren; and Messrs. Daviess, Allen, Pope, Maupin and Cockerill, were appointed a committee to prepare and bring in the same.

On the motion of Mr. A. S. Hughes, leave was given to bring in a bill for the appointment of Commissioners of Public Works, and for other purposes; and Messrs. A. S. Hughes, Hickman, Given, Muldrow and Allen, were appointed a committee to prepare and bring in the same.

A resolution from the House of Representatives for appointing a committee to examine the Auditor's office for the years 1825 and 1826, was taken up twice read and concurred in.

Ordered, That Mr. Hickman inform the House of Representatives thereof.

Messrs. W. Green and Selby were appointed a committee on the part of the Senate to examine the said office for the year 1825; and Messrs. Slaughter and Lockett, for the year 1826, pursuant to the said resolution.

Mr. Given, from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles:

- An act for the benefit of the administrator and heirs of Richard C. Anderson, deceased;
- An act to change the place of voting in the Sharpsburg precinct, in Bath county, and for other purposes;
- And an act for the benefit of the Sheriffs of Hopkins and Wayne counties;
- And had found the same truly enrolled;
- And that said bills were signed by the Speaker of the House of Representatives;

Whereupon the Speaker of the Senate, affixed his signature thereto;

And they were delivered to the committee to be laid before the Governor, for his approbation and signature;

After a short time, Mr. Given reported that the committee had performed that duty;

A message was received from the House of Representatives, announcing the passage of bills of the following titles, viz:

- An act for the benefit of Jesse Baily, Ephraim Blackford and others;
- An act for the benefit of the devisees of Hugh Mercer Tennant, and others;
- An act for the divorce of Matilda Waters;
- An act, to legalize the proceedings of the Trigg county court;
An act to change the August term, of the Henry, Ohio and Hardin county courts; and
An act to authorize the Surveyor's of Lincoln and Pike counties, to transcribe parts of their record books, and for other purposes; And,
An act for the benefit of William and Martha Whitworth; And,
That the House of Representatives, concur in the amendments proposed by the Senate, to bills from that House, entitled;
An act making a chancery term, to the Montgomery circuit court, and a special term to the Franklin circuit court: And,
An act for the benefit of Thomas Smith, and others.
A bill from the House of Representatives, entitled, an act for the benefit of the Southern College, and Lancaster Seminary, was read the second time, and ordered to be read a third time to-morrow.
A bill from the House of Representatives, entitled, an act to appoint additional constables, in certain counties, was read the second time, and committed to a committee of Messrs. Summers, Crutcher, Given and Barrett.
An engrossed bill entitled, an act for the benefit of the heirs of Peter Follis, was read the third time.
Resolved, That the said bill do pass, and that the title thereof be as aforesaid;
Ordered, That Mr. Cockerill carry the said bill to the House of Representatives, and request their concurrence.
A bill from the House of Representatives, entitled, an act designating the boundary of the constable's district, including the town of Monticello, in Wayne county, was read the first time, and laid on the table until the 4th day of July next.
An engrossed bill entitled, an act to secure the public records throughout this Commonwealth, from destruction by fire or otherwise, was read the third time, and committed to a committee of Messrs. Dudley, Daveiss and McConnell.
Bills from the House of Representatives of the following titles, to-wit:
An act to amend an act incorporating the Hartford Manufacturing Company;
An act to regulate the sale of the land west of the Tennessee river;
An act to incorporate the Clay and Jefferson Seminaries;
And an act to divorce Sally Cole from her husband, James Cole;
Were severally read the first time, and ordered to be read a second time.
A bill from the House of Representatives, entitled, an act to authorize the appointment of additional justices of the peace in certain counties, and for other purposes, was read the second
time, and committed to a committee of Messrs. Beatty, Summers, Cockerill, J. Hughes, Harris and Crutcher.

An engrossed bill entitled, an act changing the time of holding the Anderson Circuit Court, was read the third time.

Resolved, That the said bill do pass, and that the title be, an act changing the time of holding the Anderson and Laurel Circuit Courts, and for other purposes.

Ordered, That Mr. Daviess carry the said bill to the House of Representatives, and request their concurrence.

A bill from the House of Representatives entitled, an act further to regulate the powers of the trustees of the town of Mount Vernon, in Bullitt county, and for other purposes, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Crutcher inform the House of Representatives thereof.

A bill from the House of Representatives entitled, an act to provide for an additional chancery term of the Madison Circuit Court, was read the second time, and ordered to be read a third time to-morrow.

A bill from the House of Representatives entitled, an act to allow additional justices of the peace to the counties of Washington and Scott, was read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second reading of the said bill, having been dispensed with, it was committed to a committee of Messrs. Beatty, Summers, Cockerill, J. Hughes, Harris and Crutcher.

An engrossed bill entitled, an act, for the benefit of John E. Wilson, was read the third time.

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McConnell and Lockett, were as follows, viz:


Ordered, That Mr. Given carry the said bill to the House of Representatives, and request their concurrence.

The Speaker laid before the Senate, a report of the Auditor of Public Accounts, made in pursuance to resolutions of the Senate, which is as follows, to-wit:
STATE OF KENTUCKY, AUDITOR'S OFFICE.

December 19th, 1827.

Sir: In obedience to two separate resolutions of the Senate, one of the 8th inst. the other of the 11th, requiring the Auditor of Public Accounts, to lay before the Senate, as early as practicable, a statement of the census of the several counties in this State, for the year 1827, as shewn by the Commissioners Books of the current year; and also a statement of the amount of revenue payable by each county for the year ending 16th October, 1826; and also the amount drawn from the treasury by each county for the same year, as well as for the year ending 10th October, 1827; designating the particular items of expenditure which form the aggregate; and if practicable, to exhibit a statement of the several amounts drawn for attachments for witnesses in civil cases, for each county. And also the number of legal voters of each county, shewn by the Commissioners Books taken for the year 1825.

The Auditor has the honor to submit the accompanying tables, embracing the most material parts of the information required by the resolutions. In relation to the latter part of the first resolution, requiring the amount paid for attachments in civil cases, it is barely necessary to say that the clerks, in making out their certificates, never, or very rarely, designate between civil and criminal cases; consequently it would be out of my power to furnish the Senate with the information required; but, by reference to my annual Report, the total amount paid for attachments will be found.

The Auditor begs leave further to suggest, that by reference to the journals of the last session of the Legislature, the Senate will see the amount of revenue and expenditures of each county for the year ending 10th Oct., 1826, and the excess.

It will be observed that the table includes the legal voters of 1824 and 1827—the House of Representatives having required of the Auditor those two years, in addition to the requisitions of the Senate, it was thought advisable to make out corresponding tables for both Houses.

With sentiments of high consideration,

I am, your obedient servant,

ROBERT CLAY, Auditor.

ROB. B. MCAFEE, Esq. Lt. Gov. and Speaker of the Senate.

STATE OF KENTUCKY, AUDITOR'S OFFICE.

27th December, 1827.

Dear Sir: I had the honor to submit to the Senate, on the 19th inst. a statement in obedience to the resolutions of the 8th and 11th, which was returned to this office for the purpose of adding the number of qualified voters which had been subsequently re-
By resolutions of
A Statement shewing the
fund and the difference bet
and a table exhibiting
Commissioners books of

...
A Statement showing the amount of Revenue and Expenditures, (and the difference between the two,) of each county in the State, and a table exhibiting the number of voters, as returned on the Commissioners' books for the years 1824, 1826, 1829 and 1832, viz.

<table>
<thead>
<tr>
<th>County</th>
<th>Amount expended</th>
<th>Amount Revenue</th>
<th>Nett Revenue</th>
<th>Expend. exceeding Revenue</th>
<th>VOTERS.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allen</td>
<td>725 837</td>
<td>823 329</td>
<td>99 500</td>
<td>336 351</td>
<td>1026 322</td>
</tr>
<tr>
<td>Athens</td>
<td>397 95</td>
<td>364 100</td>
<td>33 800</td>
<td>36 800</td>
<td>1216 356</td>
</tr>
<tr>
<td>Barren</td>
<td>106 232</td>
<td>103 246</td>
<td>57 950</td>
<td>17 950</td>
<td>1114 306</td>
</tr>
<tr>
<td>Barbour</td>
<td>109 817</td>
<td>817 469</td>
<td>77 575</td>
<td>20 680</td>
<td>1195 300</td>
</tr>
<tr>
<td>Bath</td>
<td>139 996</td>
<td>207 305</td>
<td>77 305</td>
<td>17 305</td>
<td>1150 310</td>
</tr>
<tr>
<td>Breckinridge</td>
<td>139 996</td>
<td>207 305</td>
<td>77 305</td>
<td>17 305</td>
<td>1150 310</td>
</tr>
<tr>
<td>Breckinridge</td>
<td>139 996</td>
<td>207 305</td>
<td>77 305</td>
<td>17 305</td>
<td>1150 310</td>
</tr>
</tbody>
</table>

... (table continues with data for other counties and years)...

To be continued on page 116. — Senate Journal.
THE SENATE.

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turned, after the materials for the first report had been made out. Returns from all the counties (except eight) have now come in, and the Auditor has the honor now to submit to the Senate, a table comprising all that was required, with the exception above.

It is, however, feared, from the great press of business which has been in this office, ever since the meeting of the Legislature, and the consequent hurry in which the calculations have been made, that some inaccuracies may be anticipated; but it is hoped that nothing materially varying the present calculations will be found.

With sentiments of respect,

I am, Sir, yours, &c.

PORTER CLAY, Auditor.

ROB. B. MCAFEE, ESQ. Lt. Gov. and Speaker of the Senate.

Ordered, That the said report be referred to the committee appointed to prepare and bring in a bill to fix the ratio and apportion the representation of this State; and that the public printer print one hundred and fifty copies of the said statement for the use of the General Assembly.

And then the Senate adjourned.

FRIDAY, DECEMBER 28, 1827.

The Senate assembled.

Mr. Barrett presented the petition of James Paton, praying compensation for extraordinary services performed by him, as deputy sheriff of Harrison county, in the case of Isaac B. Desha.

And Mr. Dudley presented the remonstrance of sundry citizens of Anderson county, against the appointment of an additional justice of the peace for said county.

Which were each received, read and referred, the former to the committee of finance, and the latter to the committee to whom was referred the bill from the House of Representatives, entitled, an act to authorize the appointment of additional justices of the peace in certain counties, and for other purposes.

The Speaker laid before the Senate a letter from Albert G. Mariwether, preferring charges against Jacob H. Holeman, public printer, which was read as follows, viz:

LEXINGTON, DECEMBER 26, 1827.

R. B. MCAFEE, ESQ. Lt. Gov. and Speaker of the Senate:

I take the liberty, through you, to present to the Legislature of Kentucky, the following charges against the official conduct of Jacob H. Holeman, printer to the state:

1st. For a violation of the law concerning the publication of the list of non-residents lands, in the newspaper of the public
printer, called the "Spirit of '76," in the year 1826, both as to
time and number of copies, by which the sales are rendered null
and void, and a considerable sum of money surreptitiously ob-
tained from the treasury.

2d. For applying the money advanced for the purchase of pa-
per to his own use, and obtaining time upon the purchase of that
article, and to compensate the maker for the credit obtained for
his own benefit, compels the State to pay something like one fourth
or one fifth more than individuals pay for the same article.

3d. For his peculations upon the treasury, in his account settled
with the Auditor, after the close of the session of 1824, by means of
an accidental error committed in the appropriation bill—of which
error it is believed he was fully apprized, and by which he ob-
tained nearly $100, which had been previously settled and paid.

I therefore ask of you to lay this subject before the Legislature,
and request the appointment of a committee, clothed with power
to send for persons, books, and papers, and to compel persons to
give testimony. This done, it will clearly appear, that Jacob H.
Holeman is a faithless public servant, and a peculator upon the
treasury of the state, who ought to be removed from office, and
compelled to disgorge what he has surreptitiously obtained from
the public treasury.

With sentiments of the highest respect,

I am, sir, your obedient servant,

ALBERT G. MERIWETHER.

Mr. Dudley read and laid on the table, the following resolution,
to-wit:

Resolved by the General Assembly of the Commonwealth of Kentuc-
ky, That the letter of A. G. Meriwether, preferring charges a-
gainst the official conduct of J. H. Holeman, he referred to a
joint committee of five from the Senate and ten from the House
of Representatives; with power to send for persons, books and
papers, for their information.

And thereupon the rule of the Senate having been dispensed
with, the said resolution was taken up, twice read and adopted.

Ordered, That Mr. Dudley carry the said resolution to the
House of Representatives, and request their concurrence.

Messages were received from the House of Representatives,
announcing the passage of bills of the following titles, viz:
An act repealing the law requiring the judge of the eighth
judicial district to hold an additional term in the Barren circuit.
An act to authorize the stockholders of the Bank of Limestone
to elect an agent to close the concerns of said bank.
An act for the benefit of David Morgan.
An act restoring Eliza Boyd to the privileges of a free sole.
28. And an act for the benefit of the trustees of the Morgan Seminary, and for other purposes.

The following bills were reported from the several committees appointed to prepare and bring in the same:

By Mr. Hickman—1. A bill concerning conveyances. And,
By Mr. Davies—2. A bill regulating the town of Salvisa, in
the county of Mercer.

Which bills were read the first time, and ordered to be read a second time;

And thereupon the rule of the Senate, constitutional provision and second reading of the latter bill, having been dispensed with, it was committed to the committee of courts of justice.

Bills from the House of Representatives of the following titles, to-wit:

An act for the benefit of Jesse Bailey, Ephraim Blackford and others;
An act for the benefit of the devisees of Hugh Mercer Ten
ten and others;
An act for the divorce of Matilda Waters;
An act to legalize the proceedings of the Trigg county court;
An act to change the August term of the Henry, Ohio and Har
din county courts;
An act to authorize the surveyors of Lincoln and Pike counties to transcribe parts of their record books, and for other pur-
poses;
An act for the benefit of William and Martha Whitworth;
An act for the benefit of the trustees of the Morgan Seminary, and for other purposes; And,
An act to authorize the stockholders of the Bank of Limestone to elect an agent to close the concerns of said bank;

Were severally read the first time, and ordered to be read a second time.

Mr. A. S. Hughes moved the following resolution, to-wit:

Resolved, That the committee on finance be instructed to enquire into the expediency and practicability of raising a fund in money, to be procured by loan or otherwise, to be appropriated to the purposes of internal improvement.

1. Mr. Beatty, from the committee to whom was referred bills from the House of Representatives entitled, an act to authorize the appointment of additional justices of the peace in certain counties, and for other purposes; and, an act to allow additional justices of the peace for the counties of Washington and Scott, reported the same with amendments;

Which being twice read, were concurred in, and the said bills were laid on the table.

Ordered, That Messrs. Rodman and J. Hughes be added to
the committee on the militia.
Mr. Bentley, from the committee to whom was referred a bill to encourage medical learning and regulate the practice of physicians, reported the same with an amendment;

Which being twice read, was concurred in; and the said bill was re-committed to a committee of Messrs. Allen, A. S. Hughes, Hardin, Daviess, Crutcher and Lockett.

Ordered, That Mr. Taylor be added to the committee appointed to prepare and bring in a bill to provide for the internal improvement of the State of Kentucky.

A bill from the House of Representatives entitled, an act for the benefit of the Southern College and Lancaster Seminary, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Cockerill inform the House of Representatives thereof.

Bills from the House of Representatives of the following titles:

An act to amend an act incorporating the Hartford Manufacturing Company; and

An act to incorporate the Clay and Jefferson Seminaries;

Were read the second time, and ordered to be read a third time.

A bill from the House of Representatives entitled, an act to regulate the sale of the land west of the Tennessee river, was read the second time, and committed to a committee of Messrs. Faulkner, Given and Summers.

A bill from the House of Representatives entitled, an act for the divorce of Sally Cole from her husband, James Cole, was read the second time, and ordered to be read a third time.

And thereupon the rule of the Senate, constitutional provisions and third reading of the said bill having been dispensed with;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Smith inform the House of Representatives thereof.

Bills from the House of Representatives entitled, an act restoring Eliza Boyd to the privileges of a free sole, and an act for the benefit of David Morgan, were each read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provisions and second reading of the said bills having been dispensed with, the former was committed to the committee of religion, and the latter to a select committee of Messrs. McConnell, Harris and Daniel.

A message from the House of Representatives by Mr. Barber:

Mr. Speaker: The House of Representatives have concurred in a resolution from the Senate, appointing a joint committee to
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examine the charges preferred against J. H. Holeman, public-printer, and have appointed a committee on their part;

And then he withdrew.

Whereupon Messrs. Dudley, Allen, Faulkner, Beatty and Slaughter, were appointed a committee on the part of the Senate, pursuant to the said resolution.

Mr. Hardin from the committee of Finance, made the following report:

The committee of Finance, has had the petition of Jesse B. Pemberton under consideration, and report the following resolution:

Resolved, That the prayer of the said petition, ought not to be granted.

Which being twice read, was concurred in.

Mr. Hardin from the same committee, reported a bill, further to regulate the Cumberland Hospital;

Which was read the first time, and ordered to be read a second time.

A message from the House of Representatives by Mr. Southgate.

Mr. Speaker: The House of Representatives, has concurred in the amendments proposed by the Senate, to a bill from that House, entitled, an act to amend the several laws, establishing the town of Covington;

And then he withdrew.

Mr. McConnell moved the following resolution to-wit:

Resolved, That the committee of religion be instructed, to enquire into the expediency of extending the general law, relating to divorces, so as to allow to the wife a divorce, where her husband shall have been convicted of vagrancy, where he shall have contracted and communicated to her, the venereal disease, or, where he shall have been indicted for a criminal offence, and shall have deserted this state, whether with the particular view of abandonment or not, as to her. And that the said committee, also inquire into the expediency, of making each of the causes for a divorce, a felony, or misdemeanor, and of requiring the attorney for the commonwealth, in that district, in which a divorce shall be decreed, to prefer an indictment against the offender, for the offence complained of, by the complainant, who obtained the divorce; and cause the proceedings to be had necessary to a full trial of the offence, and to proceed to outlawry against those who are indicted, and shall fail to appear, or refuse to surrender themselves, upon such indictment.

Which being twice read, and the question being taken on adopting the same, it was decided in the negative;

And so the said motion was disagreed to.

An engrossed bill entitled an act, to establish an election pr-
cinct in the county of Barren, was read the third time, and amended by way of engrossed copy.

Resolved, That the said bill do pass, and that the title be, an act to establish an election precinct in the county of Barren, and for other purposes.

Ordered, That Mr. Maupin carry the said bill to the House of Representatives, and request their concurrence.

On the motion of Mr. Selby, leave was given to bring in a bill to amend an act, to incorporate Jamestown in Russell county, and for other purposes, approved January 23rd, 1827. Mesrs. Selby, Wood and Beatty, were appointed a committee to prepare and bring in the same.

Mr. Beatty moved the following resolution, to-wit,

Resolved, by the Senate, That the Cashier of the Bank of the Commonwealth, be requested, to make out and report to the Senate, a statement shewing the several amounts, due to each of the Banks of which he speaks, in his annual report of this year.

Mr. A. S. Hughes moved to amend the said resolution, by adding thereunto, the following:

Resolved, That the Cashier of the said Bank be requested, to furnish to this House, a report, setting forth, the amount of loans made, by the several principal Bank or its branches, from the first day of December 1826, until the first of December 1827, stating in any such report, the amount loaned at each place, so far as he may be informed of the same. Also, to state whether all, or any of those loans, have been paid according to promise, how much remains unpaid; the date at which each discount was made; and under what law; or by what authority have those loans, or any of them been made.

And then the Senate adjourned.

SATURDAY, DECEMBER 29, 1827.

The Senate assembled.

Mr. Daviess from the committee of courts of justice, reported from the unfinished business of the last session, a bill for the benefit of Joseph Reynolds, which was read the first time, and laid on the table until Monday next.

A message was received from the Governor by Mr. Pickett, Secretary of State, informing the Senate, that on the 27th instant, the Governor approved and signed, an enrolled bill, which originated in the Senate, of the following title:

An act to authorise a special term to be held by the Judge of the twelfth judicial district, in the county of Garrard, for the purpose of trying a certain negro slave, named Isaac, who stands charged with murder.
Mr. Hardin from the committee of finance made the following report, viz:

The committee of finance has had under consideration a resolution directing the committee to inquire into the expediency of appropriating the balance of the debt due the Commonwealth from Head right and Tellico settlers, within the respective counties, within which said debtors reside, to improving the public highways therein, and report thereon:

That the debts nominally due from those settlers amount to about $260,000, a great portion of that, it is true, will never be paid, but yet the payments made by those debtors form a considerable item in the annual receipts of the treasury; the present year the payments from those debtors amount to the sum of $3746 88. The debt is a just one, and equally due to the whole State; it is asked to make a partial appropriation of it, which, in the opinion of the committee, is unjust. Independent of that, it contains a proposition which in itself, it is greatly feared, will ultimately defeat every effort this State may make in favor of internal improvements. That is instead of directing the means of the State to some one or two great objects of improvement, our means will be dissipated in undertaking too many things, without the power, then, to complete any thing; the legislature must resist, at the commencement of our efforts in favor of improvements, the continual attempts that from time to time will be made, to give to each county its share of funds for improvements. The committee submit the following resolution:

Resolved, That it is inexpedient to appropriate the debt due from the head-right and Tellico settlers, towards improving the roads of the respective counties in which the debtors may reside. Which was twice read, and laid on the table.

Bills from the House of Representatives of the following titles, to wit:

1. An act for the benefit of Jesse Raiby, Ephraim Blackford and others.
2. An act for the benefit of the devisees of Hugh Mercer Ten- nent and others.
3. An act for the divorce of Matilda Waters.
4. An act to legalize the proceedings of the Trigg county court.
5. An act to change the August terms of the Henry, Ohio and Hardin county courts.
6. An act to authorize the surveyors of Lincoln and Pike counties, to transcribe parts of their record books, and for other purposes.
7. An act for the benefit of William and Martha Whitworth.
8. An act to authorize the stockholders of the Bank of Limestone, to elect an agent to close the concerns of said Bank; and,
9. An act for the benefit of the trustees of Morgan Seminary, and for other purposes;
Were severally read the second time and committed; the 1st, 4th, 6th and 9th to the committee of courts of justice; the 5th and 7th to the committee of religion; the 8th to a select committee of Messrs. Rodman, Crutcher and W. Green; the 6th to the committee of finance.

Bills from the House of Representatives of the following titles, to-wit:
1. An act to provide for an additional chancery term of the Madison Circuit Court.
2. An act to amend an act incorporating the Hartford Manufacturing Company. And,
3. An act to incorporate the Clay and Jefferson seminaries.
Were severally read the third time.
The first bill was amended and laid on the table; the second was committed to the committee for courts of justice; and the third to the committee on that part of the Governor's message which relates to education.

A bill from the House of Representatives entitled, an act repealing the law requiring the judge of the eighth judicial district to hold an additional term of the Barren circuit, was read the first time, and ordered to be read a second time.

A bill concerning conveyances was read the second time, and committed to the committee of courts of justice.

Mr. Beatty moved the following resolution, viz:
Resolved by the Senate, That the Cashier of the Bank of the Commonwealth be required to make out and report to the Senate a statement showing the several amounts due to each of the banks of which he speaks in his annual report of this year; and also the names of the individuals and of the banks who have made deposits in the principal bank, or its branches, and what are the several amounts, and of what kind of funds are the deposits aforesaid composed. That he report the amount of loans made by the principal bank or its branches, since the first day of December, 1826, until the 1st December, 1827, setting forth in said statement the amounts loaned at each place, and the names of the individuals and securities to whom it was loaned; also, whether all or any of those loans have been paid according to promise, and if not, how much remains unpaid by each borrower, the date at which each discount was made, and under what law, or by what authority have those loans been made.

Resolved, That the Cashier be instructed forthwith to address a letter to each of the Cashiers of the branches of the bank of the Commonwealth, requesting their immediate attention to the several subjects contained in the foregoing resolution, and that they be requested to answer, as soon as practicable: which an-
Mr. Hardin, from the committee on finance, reported a bill to regulate the cost in attachments:

Which was read the first and ordered to be read a second time.

Mr. Faulkner, from the committee to whom was referred a bill from the House of Representatives entitled, an act to regulate the sale of the land west of the Tennessee river, reported the same without amendment.

The said bill is as follows, viz:

WHEREAS it is represented to this General Assembly, that there are many meritorious citizens, who, from the scarcity of a circulating medium, have not been able to avail themselves of the indulgence granted them by the 2d section of an act approved January the 16th, 1827, further to regulate the sale of land west of the Tennessee river: Therefore,

BE IT ENACTED by the General Assembly of the Commonwealth of Kentucky, That it shall not be lawful for any person or persons, within twelve months after the passage of this act, to enter any quarter or fractional quarter section of land within the district west of the Tennessee river, which has been improved by any actual settler at the passage of this act, and who still resides thereon, but said settler shall have the exclusive right to enter said land for the above period of time and no longer.

Mr. McConnell moved to amend the said bill by striking out the word "twelve," printed in italics, and inserting in lieu thereof "nine."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McConnell and Hickman, were as follows, viz:


NAYS—Messrs. Allen, Beatty, Cockerill, Cunningham, Crutcher, Carneal, Given, Hardin, Harris, Maupin, Rodman, Selby, Slaughter, Summers, Smith and Woods—16.

The said bill was then amended, and ordered to be read a third time.

Messages were received from the House of Representatives announcing the passage of bills of the following titles, viz:

An act to authorize the trustees of the Hart county seminary to sell their donation lands.

An act for the benefit of the heirs of John Williams, deceased, and for other purposes.
An act to authorize the trustees of the Trigg county seminary to sell and convey her donation lands.
An act to restore Mary Drysdale to the privileges of a feme sole.
An act to amend an act entitled, "an act to incorporate the Cumberland College, at Princeton."
An act for the benefit of James Barlow and Norman Clardy.
And an act for the benefit of Hugh McWilliams.
And then the Senate adjourned.

MONDAY, DECEMBER 31, 1827.

The Senate assembled.
Mr. Cockerill, from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz:
An act to divorce Sally Cole from her husband James Cole.
An act making a chancery term to the Montgomery circuit court.
An act further to regulate the powers of the trustees of the town of Mount Vernon, in Bullitt county, and for other purposes.
An act for the benefit of Thomas Smith and others.
An act to amend the several laws establishing the town of Covington.
An act for the benefit of the Southern College and Lancaster Seminary.
And an enrolled resolution of the following title, viz:
A resolution for appointing committees to examine the Auditor's office for the years 1825 and 1826.
And had found the same truly enrolled, and that said bills and resolution were signed by the Speaker of the House of Representatives.
Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be laid before the Governor for his approbation and signature.
After a short time, Mr. Cockerill reported that the committee had performed that duty.
Mr. Harris, from the committee to whom was referred a bill from the House of Representatives entitled, an act for the benefit of David Morgan, reported the same without amendment.
Ordered, That the said bill be read a third time.
And thereupon the rule of the Senate, constitutional provision and third reading of the said bill, having been dispensed with;
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.
Ordered, That Mr. Harris inform the House of Representatives thereof.
Dec. 31.

The Senate.

On the motion of Mr. Lockett, he was excused from serving on the joint committee appointed to examine the Auditor's office for the year 1826, and Mr. Gibson was added to said committee.

Bills of the following titles:
1. A bill further to regulate the Cumberland Hospital.
2. A bill concerning infants' estates derived by will.
3. A bill more effectually to guard the right of suffrage, and for other purposes; And,
4. A bill to regulate the costs in attachments;

Were severally read the second time: the 1st and 2d bills were ordered to be engrossed and read a third time tomorrow; the third was committed to the committee of the whole House for Thursday next; and the fourth to the committee of courts of justice.

Ordered, That the Public Printer print 150 copies of the second bill, for the use of the General Assembly.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Cockerill—1. A bill to regulate the salaries of some of the officers of government.

By Mr. Lockett—2. A bill to allow pay to grand jurors of this Commonwealth. And,

By Mr. Davies—3. A bill appointing commissioners to lay off and mark a State road from Harrodsburg to Prewitt's Knob, in the county of Barren.

Which bills were severally read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second reading of the third bill having been dispensed with, it was committed to a committee of Messrs. Davies, Maupin, Allen, Selby and Pope.

A bill from the House of Representatives entitled, an act repealing the law requiring the judge of the eight judicial district to hold an additional term of the Barren circuit court, was read the first time, and laid on the table until the first day of June next.

Messages were received from the House of Representatives announcing the passage of bills of the following titles:

An act to establish election precincts in certain counties.
An act to authorize the inhabitants in the town of Brownsville, in the county of Edmonson, to elect trustees. And,
An act to amend an act entitled, an act to encourage the establishment of private schools.

And that the House of Representatives have received official information that on the 19th inst, the Governor approved and signed enrolled bills which originated in the House of Representatives of the following titles, to-wit:
An act to alter the time of holding certain courts.

An act to amend and explain an act entitled "an act to reduce the price of land between Walker's line and latitude thirty-six degrees and thirty minutes north, and east of Tennessee river," approved January 22, 1827.

An act to add part of Adair to Casey county.

On the 21st inst. an enrolled bill entitled

An act to provide for the safe keeping of Jesse Hide and Otaway Hide.

And on the 27th inst. enrolled bills of the following titles:

An act to change the place of voting in the Sharpsburg precinct, in Bath county, and for other purposes.

An act for the benefit of the administrators and heirs of Richard C. Anderson, deceased.

An act for the benefit of the sheriffs of Hopkins and Wayne counties.

Bills from the House of Representatives of the following titles, to-wit:

1. An act for the benefit of the heirs of John Williams deceased, and for other purposes.

2. An act to authorize the trustees of the Hart county seminary to sell their donation lands.

3. An act to restore Mary Drysdale to the privileges of a female.

4. An act to amend an act, entitled, "an act to incorporate the Cumberland College at Princeton."

5. An act for the benefit of James Barlow and Norman Clardy.

6. An act for the benefit of Hugh M'Williams.

7. An act to authorize the inhabitants of the town of Brownsville, in the county of Edmonson, to elect trustees.

8. An act to establish election precincts in certain counties.

9. An act to amend an act entitled, "an act to encourage the establishment of private schools;" and,

10. An act to authorize the trustees of the Trigg county Seminary to sell and convey her donation lands.

Were severally read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second reading of the sixth bill, and second and third readings of the second bill having been dispensed with; the 6th was committed to the committee of propositions and grievances.

Resolved, That the second bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Allen inform the House of Representatives thereof.

A bill from the House of Representatives, entitled, "an act to regulate the sale of the land west of the Tennessee river," was read the third time, as amended.
Mr. Faulkner moved to amend the said bill by attaching thereunto the following engrossed reader:

Provided however, That it may be lawful to enter any land as described in the foregoing section, by paying the occupants as aforesaid compensation for his or their improvements.

And whereas difficulty may arise with respect to the valuation of said improvements; therefore,

Be it further enacted, That the county courts of Hickman, Graves, McCraken and Calloway shall be and they are hereby authorized and directed to appoint five distinct freeholders in each of the counties aforesaid, whose duty it shall be, or any three of them, when called on by either of the parties, being first duly sworn by some justice of the peace, to examine and value such improvements impartially, and report the same to the parties concerned.

Be it further enacted, That the occupant may continue in the peaceable possession and occupancy of said land and improvements, until full satisfaction is tendered him agreeable to the award of said commissioners.

Be it further enacted, That the commissioners as aforesaid shall be entitled to one dollar each for every day they may be engaged in making such valuation, to be paid by the person or persons demanding such services.

And be it further enacted, That all acts or parts of acts coming within the purview of this act, shall be and the same is hereby repealed.

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Faulkner and Cockerill, were as follows, viz:


The question was then taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Faulkner and Hickman, were as follows, viz:


Resolved, That the title of the said bill be as aforesaid.
Ordered, That Mr. Given inform the House of Representatives thereof, and request their concurrence in the said amendment.

Mr. Carneal moved the following resolution, viz:

Whereas it is deemed of great importance to ascertain the amount of doubtful debts due the bank of the Commonwealth: Therefore,

Be it resolved, That the Senators from the different bank districts report to this House the amount of doubtful debt due the Branch in the district they represent, and the amount of debt in suit.

Which being twice read, was adopted.

Mr. McConnell presented the petition of Alexander Gowens, representing that he and his wife Polly Gowens, stand indicted for perjury in the Lawrence circuit court, and praying for a change of venue.

Which was received, and referred to a select committee of Messrs. McConnell, Daniel and Harris.

Mr. Dudley read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Senators and Representatives from each bank district of this State be and they are hereby appointed committees to examine the reports from the mother Bank of the Commonwealth, and of each of its branches, and report specially thereon, as to the debts due to each considered good, doubtful or bad, whether in suit, lying over, or under regular discount.

The rule of the Senate having been dispensed with, the said resolution was taken up, twice read, and adopted.

Ordered, That Mr. Dudley carry the said resolution to the House of Representatives, and request their concurrence.

On the motion of Mr. Maupin, leave was given to bring in a bill to incorporate the Green river and Little Barren river Canal Company, and Messrs. Maupin, Allen, A. S. Hughes and Hardin were appointed a committee to prepare and bring in the same.

Mr. Crutcher moved the following resolution, viz:

Resolved, That for the residue of this session the Senate will meet at nine o'clock in the morning.

Mr. Daviess moved to lay the said resolution on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hardin and Maupin, were as follows, viz:


NAYS—Messrs. Allen, Beatty, Cockerill, Cunningham, Crutcher, Daniel, Faulkner, Given, J. Hughes, Hardin, Hick-
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man, Harris, Maupin, M'Connell, M'Millan, Selby, Slaughter, Summers, Smith, Taylor, Wood and White—22.

The question was then taken on adopting the said resolution, and it was decided in the affirmative unanimously.

The yeas and nays being required thereon by Messrs. Carneal and Cockerill, were as follows, viz:


Mr. Allen read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be instructed and our Representatives be requested to use their utmost exertions to procure the passage of a law, to distribute a portion of the revenue of the United States among the several States, according to some equitable ratio, for the purpose of internal improvement; and that the Governor transmit copies of this resolution to the President and each of our Senators and Representatives in Congress.

Mr. Beatty moved the following resolution, viz:

Resolved by the Senate, That the Auditor, Register and Treasurer be required to inform the Senate, (from the best means or information within their power,) the real as well as the nominal balance of the debt due the Commonwealth from the head-right and Tellico settlers.

Which being twice read, was adopted.

And then the Senate adjourned.

TUESDAY, JANUARY 1, 1828.

The Senate assembled.

Mr. Cockerill presented the remonstrance of sundry citizens of Allen county, against the formation of a new county out of parts of the counties of Warren and Barren.

Mr. Given presented the petition of John Byrne, representing that at the sale of the lands west of the Tennessee river, he purchased a fraction of a section of land, represented on the map as containing thirty-six acres, for which he paid the sum of $119 16, and that the said fraction only contains about one half acre, which overflows, and praying that the said sum may be refunded to him. And,

Mr. Barrett presented the petition of sundry persons, praying S
that a law may pass incorporating a company to improve the navigation of south Licking.

Which were received, read and referred: the first and second to the committee of propositions and grievances; and the third to the committee of internal improvements.

Mr. M'Millan, from the committee of propositions and grievances, made the following report:

The committee of propositions and grievances have, according to order, had under consideration sundry petitions to them referred, and have come to the following resolutions thereupon, viz.

1. Resolved, That the petition of sundry citizens of the counties of Mercer and Lincoln, praying for the erection of a new county, out of parts thereof, be rejected.

2. Resolved, That the petition of Augustin Clayton, praying that a law may pass to reimburse him the sum of $20 70 cents in land warrants, which amount he has improperly paid into the treasury, is reasonable.

3. Resolved, That the petition of James Lyle, representing that he is in indigent circumstances, old and infirm, and that he served two years of duty in the Virginia militia, during the revolutionary war, and praying for a donation of a quarter section of land west of the Tennessee river, on which he now resides, is reasonable.

Which being twice read, the first resolution was concurred in.

The second resolution was amended by striking out "twenty dollars," and inserting in lieu thereof "eight dollars."

And the question being taken on concurring in the said resolution, as amended, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hickman and Gibson, were as follows, viz:


The third resolution was amended by striking out the words "is reasonable," and inserting in lieu thereof "be rejected," and concurred in.

Ordered, That the committee of propositions and grievances prepare and bring in a bill pursuant to the second resolution.

Mr. Smith, from the committee of religion, to whom was referred a bill from the House of Representatives, entitled, an act for the divorce of Matilda Waters, made the following report, viz:

The committee of religion have, according to order, had under
consideration a bill from the House of Representatives entitled, "an act for the divorce of Matilda Waters," to them referred, and have come to the following resolution thereon, viz:

Resolved, That said bill be disagreed to.

Which being twice read, was concurred in.

Ordered, That Mr. Smith inform the House of Representatives thereof.

Mr. Dudley, from the committee to whom was referred an engrossed bill entitled, an act to secure the public papers and records throughout this Commonwealth from destruction by fire or otherwise, reported the same, with an amendment in lieu of the bill.

The said bill is as follows, viz:

WHEREAS, it is represented to the present General Assembly, that the books, papers and records in many of the clerk's offices of the circuit and county courts of this state, are in danger of being destroyed by fire, owing to the defectiveness of the buildings in which they are kept; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the several circuit judges in this Commonwealth at their next spring term, or the term thereafter of their respective circuit courts, carefully to examine the building or buildings in which is kept the clerk's offices of the circuit and county courts of the respective counties, composing their judicial district, to see whether the books, papers and records are reasonably secured from destruction by fire or otherwise; the said judge after a careful examination, shall enter his opinion upon the record of the circuit court, and if he shall be of the opinion, that the books, papers and records of any of the officers above mentioned, are not secure, but are in danger of being destroyed, either from the defectiveness of the building in which they are, or any of the adjacent buildings thereto, he shall thereupon make an order, directing the clerk of the circuit or county court, to rent a safe and convenient room or rooms, in which to deposit the said books, papers and records, and it shall be the duty of the person so appointed, immediately thereafter, to provide the necessary room or rooms, as convenient to the court house as practicable, into which the said clerk shall remove the books, papers and records of his office, pursuant to the order of the said judge.

Be it further enacted, That it shall be the duty of the clerk of the circuit court, when any order is made to remove the papers, as directed by this act, to lay a copy of such order before the county court, within three months thereafter, who shall cause the same to be entered upon their minutes or record: It shall also be the duty of the person appointed to procure any room or rooms, as directed by this act, to report the nature and extent of the contract which he has made, to the said county court within three
months thereafter; and it shall be the duty of the said county court, every year, to lay in their county levy the sum or sums which shall be contracted for the rent of a room or rooms under the provisions of this act: Provided however, That no rent shall be allowed after the county shall furnish such offices as the Circuit Judge shall approve of: And provided further, That the rent for the offices of any county shall not exceed the sum of one hundred dollars. Provided, That where it is only necessary to rent a room for the use of one office, the amount shall not exceed the one half of the above sum: and provided further, That the Circuit Judge or Judges shall from time to time, at all times hereafter, have the power to make a like examination and similar orders, and the county courts shall be governed thereby according to the provisions of this act.

The said amendment is as follows, viz:

Whereas it is represented to the present General Assembly, that the books, papers and records of the circuit and county courts of Lincoln county, are in imminent danger of being destroyed by fire; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the circuit judge, at the next spring term of the Lincoln circuit court, carefully to examine the building in which the books, papers and records of said offices are kept, and buildings contiguous thereto, and if upon such examination, the said judge should be of opinion that the public property therein, is not reasonably secure from loss or damage by fire or otherwise, he shall cause such opinion to be entered of record by the clerk of the circuit court, and thereupon the judge shall direct the clerk of the circuit and county court to rent some other house or houses, deemed secure, and cause the books, papers and records thereof to be removed thereto without delay.

Be it further enacted, That it shall be the duty of the clerk of the said circuit court, within two months from the date of the order for removing the books, &c. to lay a copy thereof before the county court, when in session, together with a copy of the contract for the rent of such room or rooms, for the accommodation of such offices; and thereupon the county court shall proceed to levy a sum sufficient to meet the contract thus made, and to make a like levy annually, to meet the said rent, until suitable buildings shall be prepared for their reception.

Mr. Hardin moved to lay the said bill and amendment on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Daviess and Green, were as follows, viz:

YEAS—Messrs. Allen, Beatty, Barrett, Cockerill, Crutcher,
Daniel, Faulkner, Given, W. Green, J. Hughes, Hardin, Hickman, Harris, Lockett, M'Millan, Selby, Summers, Taylor, Wood and White—20.

NAYS—Messrs. Carneal, Daviess, Dudley, J. Green, Gibson, A. S. Hughes, Maupin, M'CConnell, Muldrow, Rodman and Slaughter—11.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Harris—A bill for the benefit of Samuel May.

On the motion of Mr. Gibson—A bill to amend the law now in force concerning ferries in this Commonwealth.

Messrs. Harris, Taylor and M'CConnell, were appointed a committee to prepare and bring in the former bill, and Messrs. Gibson, M'CConnell, Carneal and Maupin, the latter.

A message was received from the House of Representatives, announcing the passage of a bill entitled, an act for the benefit of David and Elizabeth E. Jones.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Faulkner—1. A bill permitting individuals to erect gates across public roads, under certain restrictions.

By Mr. M'CConnell—2. A bill to provide for changing the venue in the case of Alexander Gowens and wife.

By Mr. Beatty—3. A bill to ratify and confirm the line of 36° 30', as run by Thomas J. Matthews. And,

By Mr. Wickliffe—4. A bill more effectually to guard the seventh section of the tenth article of the constitution from violation.

Which bills were severally read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second and third readings of the third bill having been dispensed with;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Beatty carry the said bill to the House of Representatives and request their concurrence.

A joint resolution for obtaining a portion of the revenue of the United States, for internal improvements, read and laid on the table by Mr. Allen yesterday, was taken up, twice read and committed to the committee of the whole House for Monday, the 7th instant.

A bill to regulate the salaries of some of the officers of government, was read the second time, as follows, to-wit:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the first day of January, one thousand eight hundred and twenty-eight, the officers of gov-
ernmont hereafter mentioned shall receive the annual salaries following, and to be paid as heretofore: To each circuit judge, eight hundred dollars; to each circuit attorney, two hundred dollars.

Sec. 2. Be it further enacted, That the office of third clerk to the Bank of Kentucky, he and the same is hereby abolished; and the annual salaries of the officers of said bank, after the first day of January, one thousand eight hundred and twenty-eight, shall be as follows: To the president, five hundred dollars; to the cashier, eight hundred dollars; to the first clerk, seven hundred dollars; to the second clerk, six hundred dollars; to the agents, six hundred dollars each—nor shall the said agents be allowed any pay for travelling expenses.

Sec. 3. Be it further enacted, That the president of the principal Bank of the Commonwealth, after the first day of January, one thousand eight hundred and twenty-eight, shall receive five hundred dollars annually, payable as heretofore, in the notes of the bank aforesaid; the cashier of said bank the sum of eight hundred dollars; and the clerk seven hundred dollars in the notes of said bank, payable as heretofore.

Mr. J. Green moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Cockerrill and J. Green, were as follows, viz:


A bill to allow pay to grand jurors of this Commonwealth, was read the second time.

Mr. Hardin moved an amendment thereto.

Mr. Daviess moved to lay the said bill and amendment on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hardin and Daviess, were as follows, viz:


NAYS—Messrs. Beatty, Cockerill, Cunningham, Crutcher, Given, W. Green, Gibson, J. Hughes, A. S. Hughes, Hardin, Hickman, Lockett, Maupin, M'Connell, M'Millan, Muldrow,

The said bill and amendment were then committed to a committee of Messrs. Hardin, Maupin, Wickliffe and Lockett.

Mr. Muldrow read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That their respective committees on internal improvements, be authorized and instructed to invite Judge Bates, principal engineer in constructing the Ohio and Louisville Canals, and now resident in Columbus, Ohio, to visit Frankfort during the present session, and at as early a day as may suit his convenience.

And then the Senate adjourned.

WEDNESDAY, JANUARY 2, 1828.

The Senate assembled.

A message in writing was received from the Governor, by Mr. Pickett, Secretary of State.

Mr. Daviess, from the committee for courts of justice, made the following report, viz:

The committee for courts of justice have, according to order, had under consideration sundry petitions to them referred, and have come to resolutions thereupon, to-wit:

1. Resolved, That a bill from the House of Representatives entitled, an act for the benefit of the trustees of Morgan Seminary, and for other purposes, ought not to pass.

2. Resolved, That a bill from the House of Representatives, entitled an act to legalize the proceedings of the Trigg county court, ought not to pass.

Which being twice read, on the motion of Mr. Harris, the first resolution was amended by striking out the word "not," and was then concurred in, and the said bill was recommitted to a committee of Messrs. McComb, Harris, Daniel, A. S. Hughes and Hickman.

The second resolution was concurred in, and so the said bill was disagreed to.

Ordered, That Mr. Daviess inform the House of Representatives thereof.

Mr. Daviess, from the committee of courts of justice, to whom was referred a bill from the House of Representatives entitled, an act for the benefit of the devisees of Hugh Mercer Tennent and others, reported the same with an amendment.

Which being twice read, the said bill and amendment were laid on the table.

Mr. Daviess, from the same committee, to whom was referred
a bill from the House of Representatives entitled, an act to amend
an act incorporating the Hartford Manufacturing Company, re­ported the same with amendments;
Which being twice read, were concurred in.
Ordered, That the said bill, as amended, be read a third time.
Mr. Daviess, from the same committee, to whom was referred
a bill from the House of Representatives, entitled, an act to au­thorize the stockholders of the Bank of Limestone to elect an
agent to close the concerns of said bank, reported the same with
amendments;
Which being twice read, were concurred in, except the last
amendment—and the said bill and amendment were re-commit­ted to a select committee of Messrs. Carneal, Taylor, J. Green,
Crutcher, Slaughter, Allen, McConnell and Dudley.
Mr. Daviess, from the same committee, to whom was referred
a bill from the House of Representatives entitled, an act to le­galize the proceedings of the Grant county court, at an extra
term of said court, reported the same with an amendment;
Which being twice read, was concurred in:
Ordered, That the said bill, as amended, be read a third time.
And thereupon the rule of the Senate, constitutional provision
and third reading of the said bill having been dispensed with;
Resolved, That the said bill, as amended, do pass, and that
the title thereof be as aforesaid.
Ordered, That Mr. Gibson inform the House of Representa­tives thereof, and request their concurrence in the said amend­ment.
Mr. M'Millan, from the committee of propositions and griev­ances, reported a bill for the benefit of Augustin Clayton;
Which was read the first time.
And the question being taken on reading the said bill a second
time, it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Cock­erill and Maupin, were as follows, viz:
YEAS—Messrs. Allen, Beatty, Barrett, Cockerill, Cunningham,
Crutcher, Daviess, Dudley, Daniel, Given, J. Hughes, A.
S. Hughes, Maupin, M'Millan, Rodman, Selby and Wood—17.
NAYS—Messrs. Carneal, Faulkner, W. Green, J. Green, Gib­son, Hardin, Hickman, Harris, Lockett, McConnell, Muldrow,
Summers, Smith, Taylor, White and Woods—16.
Mr. Hardin, from the committee of finance, made the following
report, viz:
The committee of finance has had the petition of James Patton
under consideration and report thereon.
The petition states, that William Ardery at the January county
court 1825, for the county of Harrison, qualified as sheriff, and
that he farmed the office from said Ardery; that he was at con-
considerable expense in employing deputies to assist him, particularly during the terms of the circuit court; that his office produced him little or nothing, nay was a losing bargain to him, owing to the circumstance, that the different trials and attempts to try Isaac B. Desha, took up so much of the terms of the court, and that said Desha was removed to Harrison county by change of venue; he then asks the legislature to indemnify him for the loss of profits in his office, owing to the circumstances aforesaid. The committee from an enquiry made of the petitioner, ascertained the further fact, that the petitioner purchased the office and did not farm it for a part of the fees of the office.

The committee upon mature consideration, have no hesitation in saying that the prayer of the petitioner, cannot upon any sound political principles be allowed. From the petitioner's own acknowledgments, he purchased the office, instead of farming it, an act forbidden by common law, and the statutes of this state; a principle greatly at war with a republican government, in which office should be the free gift of the people, and not a subject of corrupt purchase. The petitioner has the apology, that such purchases are now common; that is true, which in fact, risks the petitioner from this personal imputation of corruption, but yet such a practice ought not to be so far countenanced in this House, as to afford such petitioners indemnities for loss of fees and profits. Other reasons press themselves upon the consideration of the committee. Some of the most prominent, the committee beg leave to suggest. No government has ever acted, or can act upon the principle of indemnifying officers of government, the profits of whose office are not equal to the indemnification of the incumbents; cases similar in principle to the present; and some a great deal stronger, occurred in the United States, previous to and during the last war. The officers of the customs received nothing from their offices, during the embargo system; and also during the war, the United States imperiously refused them indemnities. During the embargo system, whole cargoes rotted on board of merchant vessels, confined in the harbours. To those sufferers also, relief was refused. During the war the enemy frequently burnt houses and villages; in those cases relief was refused. Can this state now act upon the principle to indemnify officers, when their fees of office, from an unforeseen occurrence, does not equal their expectation; according to the same rule, can the clerk of Harrison ask for relief, and also the lawyers who attended the court, and so can all officers of all courts when the judges, from sickness, or any other cause, cannot attend court.

The petitioner says that his case forms an exception to the general rule, because Desha was removed to his county for trial by act of the legislature. That was within the power of the legislature to do, and consequently, his office subject to that condition.
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gency, but if that fact were to be entitled to any weight, the committee would remark that the petitioner, purchased the office after he knew of the change of venue, in the trial of Isaac B. Desha. The committee submits the following resolution.

Resolved, That the petition of James Patton ought *not* to be granted.

Which being twice read,

Mr. Barrett moved to amend the said resolution by striking out the word "not," printed in italics.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Lockett, were as follows, viz:


The said resolution, as amended, was then concurred in.

Ordered, That the committee of finance prepare and bring in a bill pursuant thereto.

Mr. Cockerill, from the committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz:

An act for the benefit of David Morgan; and

An act to authorize the trustees of the Hart County Seminary to sell their donation lands;

And had found the same truly enrolled, and that they were signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the said committee to be laid before the Governor for his approbation and signature.

After a short time, Mr. Cockerill reported that the committee had performed that duty.

Messages were received from the House of Representatives, announcing the passage of bills of the following titles:

An act to remove the obstructions to the navigation of Pond river; and,

An act to add a part of Morgan to Fleming county.

Mr. Harris, from the committee appointed for that purpose, reported a bill for the benefit of Samuel May—which was read the first time;

And the question being taken on reading the same a second time, it was decided in the negative, and so the said bill was rejected.
Mr. Maupin presented a remonstrance of sundry citizens of Barren county, against the formation of a new county out of a part of the said county, and the counties of Warren and Allen; and also a petition concerning the line between Barren and Edmondson;

Which were received, and referred to the committee of propositions and grievances.

Mr. Hardin, from the committee of finance, to whom was referred a bill from the House of Representatives entitled, an act to authorize the surveyors of Lincoln and Pike counties to transcribe parts of their record books, and for other purposes, reported the same with amendments.

The said bill and amendments were laid on the table.

Mr. Beatty read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That they proceed at the same time that they elect their public officers, to elect eight persons to be denominated a board of public works, who shall meet at the town of Danville, on the first Monday in April of each year.

Resolved, That the committee on internal improvements, be instructed to bring in a bill, regulating the duties of the said board, and fixing their pay.

Resolved, That a president or chairman, be elected (to preside over said board) at the same time that the above members are elected.

Resolved, That the said board shall have power to apply to the general government for (or in any other way employ) an engineer, to assist them in their duties.

And then the Senate adjourned.

THURSDAY, JANUARY 3, 1828.

The Senate assembled.

Mr. Cockerill presented the petition of sundry citizens of Warren county, praying that a part of said county may be added to Allen county; and,

Mr. Hickman presented the petition of sundry citizens of the town of Millersburg, in Bourbon county, praying a donation to enable them to establish a Seminary of learning in said town.

Which were received, read and referred; the former to the committee of propositions and grievances and the latter to the committee to whom was referred, so much of the Governor's message as relates to education.

Mr. Summers from the committee to whom was referred, a bill from the House of Representatives, entitled, "an act to appoint additional constables in certain counties," reported the same with an amendment;
Which was twice read and concurred in.

Ordered, That the said bill, as amended, be read a third time.

Mr. McMillan from the committee of propositions and grievances, made the following report, viz:

The committee of propositions and grievances have, according to order, had under consideration the petition of sundry citizens of the counties of Allen, Barren and Warren, praying for the formation of a new county, out of parts thereof, to them referred, and have come to the following resolution thereon, viz:

Resolved, That said petition be rejected.

Which being twice read, was concurred in.

Mr. Harris, from the committee to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the trustees of the Morgan Seminary, and for other purposes, reported the same with amendments:

Which being twice read, were concurred in.

Ordered, That the said bill, as amended, be read a third time.

Mr. Carneal, from the select committee to whom was referred a bill from the House of Representatives, entitled, an act to authorize the stockholders of the Bank of Limestone, to elect an agent to close the concerns of said bank, reported the same with amendments:

Which being twice read, were concurred in.

Ordered, That the said bill, as amended, be read a third time.

Mr. Daviess, from the majority on the vote by which a bill from the House of Representatives entitled, an act to repeal the 4th section of an act to change the time of holding certain courts in the 7th judicial district, approved January 26, 1827, and for other purposes, was laid on the table until the first day of June next, moved a reconsideration of the said vote;

And the question being taken thereon it was decided in the negative.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Hickman—1. A bill to provide for the examination of the office of the Auditor of public accounts.

On the motion of Mr. Hardin—2. A bill to incorporate the Ohio Bridge Company.

On the motion of Mr. Dudley—3. A bill further to regulate and prescribe the duty of the sergeant of the court of appeals.

On the motion of Mr. A. S. Hughes—4. A bill to incorporate the Licking and Hinkston Canal Company. And,

On the motion of Mr. Lockett—5. A bill for the benefit of the surveyor of Hopkins county.

Messrs. Hickman, Daniel and Daviess, were appointed a committee to prepare and bring in the first; Messrs. Hardin, Carneal and J. Hughes, the second; Messrs. Dudley, Hardin and Mc'Connell, the third; Messrs. A. S. Hughes, Barrett, Hickman
and Muldrow, the fourth; and Messrs. Lockett, W. Green, Summers and Cunningham, the fifth.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. J. Green—1. A bill for the benefit of Joseph Paxton.

By Mr. Hardin—2. A bill for the benefit of James Patton.

By Mr. J. Green—3. A bill for the benefit of Isaac and Alfred Shelby.

By Mr. A. S. Hughes—4. A bill to provide for the appointment of commissioners of public works, and for other purposes.

And by Mr. Hardin—5. A bill to incorporate the Ohio Bridge Company.

Which bills were severally read the first time, and ordered to be read a second time.

Mr. Taylor read and laid on the table the following resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the President and Directors of the Bank of the Commonwealth of Kentucky shall, on or before the first Monday in March next, in the presence of the Governor, Auditor and Treasurer, proceed to count and destroy, by burning, six hundred thousand dollars of the notes of said Bank that have been withdrawn from circulation; and that they select such of said notes for that purpose, as have been most defaced.

Mr. Harris read and laid on the table the following resolution:

Whereas doubts are entertained by some as to the power of the president and directors of the bank of the commonwealth of Kentucky, to receive the debts due to said bank, with full interest and all costs thereon, after the sale of land by the bank, and after the time of redemption has expired which had been mortgaged, to secure such debts, and release and reconvey the same to the former owner thereof: Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That the president and directors of said bank have the full power and undoubted right, using a sound discretion, to permit any person, after his land shall have been sold, under mortgage to the bank, and of which the bank became the purchaser, at any time before a sale of said land is made to another person by the bank, to pay the original debt, with interest thereon up to the time of payment, and all costs and charges that the bank may have incurred in prosecuting suit and making sale of said land, altho' the time limited for redemption may have expired; and also to reconvey to such former owner, said land.

Be it further resolved, That the president and directors of said bank may, and ought in all cases in which a prospect of receiving payment of the debt, interest and cost, in the cases above stated,
is shewn, to postpone for a reasonable time, the taking of possession or parting with the title to such land. But in all these and like cases, a sound discretion on the part of the president and directors, ought to be exercised so that the interest of the bank shall in all cases be protected, and individuals, as far as is compatible with that interest, be accommodated and not oppressed.

Be it further resolved, That it shall be the duty of the President and directors of the aforesaid bank, to give to the former proprietor or proprietors of said land at least three months indulgence, where they think in their sound discretion it will not endanger the debt, due to said bank.

On the motion of Mr. Maupin:
Resolved, That the committee of courts of justice report from the unfinished business of last year “a bill to amend the law in relation to securities.”

The Senate then, according to the standing order of the day, resolved itself into a committee of the whole House, upon the state of the Commonwealth—Mr. Selby in the chair. After some time spent therein, Mr. Speaker resumed the chair, when Mr. Selby reported, that the committee had, according to order, had under consideration a bill more effectually to guard the right of suffrage, and for other purposes, and had made some progress therein, but not having time to go through the same, had directed him to ask leave to sit again.

Which was granted accordingly.

A message from the House of Representatives by Mr. Beatty:
Mr. Speaker: The House of Representatives have passed a bill for the benefit of Frances Vanscoik, in which they request the concurrence of the Senate.

And then he withdrew.

And then the Senate adjourned.

FRIDAY, JANUARY 4, 1828.

The Senate assembled.
Mr. A. S. Hughes presented the petition of sundry citizens of Bracken county, praying that a law may pass establishing an election precinct, to change the place of voting in a precinct, and to abolish an election precinct in said county.
And also a petition counter thereto.
Which were received, and referred to the committee of propositions and grievances.
Mr. Pope, from the committee of courts of justice, made the following report, viz:

The committee of courts of justice has, according to order, had under consideration the memorial of the Synod of Kentucky, and has come to the following resolution thereupon, viz:
Resolved, That it is not expedient, at this time, to legislate on the subject; and that the committee be discharged from the further consideration thereof.

Which was twice read, and concurred in.

Mr. Pope, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Jesse Bailey, Ephraim Blackford, and others, reported the same without amendment.

Ordered, That the said bill be read a third time.

And thereupon the rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Cockerill inform the House of Representatives thereof.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Pope—1. A bill concerning the 70th regiment Kentucky militia. Also,

2. A bill for the relief of securities in individual contracts.

And also—3. A bill amending the acts regulating the Court of Appeals. And,

By Mr. Hardin—4. A bill to fix the ratio and apportion the representation for the ensuing four years.

Which bills were severally read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second and third readings of the first bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. McConnell carry the said bill to the House of Representatives, and request their concurrence.

Ordered, That the Public Printer print one hundred and fifty copies of the second and fourth bills, for the use of the General Assembly.

Mr. Gibson, from the committee, to whom was referred a bill from the House of Representatives entitled, an act to change the August terms of the Henry, Ohio and Hardin county courts, reported the same without amendment.

Ordered, That the said bill be read a third time.

And thereupon the rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with, the said bill was recommitted to a committee of Messrs. Daviess, McConnell and W. Green.

Messages were received from the House of Representatives, announcing the passage of bills of the following titles:
An act for the benefit of John C. Rogers, sheriff of Ohio county: and,
An act for the benefit of Amelia Knley.
Mr. Allen read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That His Excellency the Governor, in conformity with previous usage, be requested to order the artillery company of Frankfort, to fire a national salute on the 8th instant, at sun rise, in commemoration of the memorable victory of New-Orleans, on the 8th day of January, 1815.

The Speaker laid before the Senate a communication from the Governor, which was read as follows, viz:

EXECUTIVE DEPARTMENT.

January 3, 1828.

Sir: I received early last spring, a box of religious books, from an unknown individual, residing in New-England, free of all expense, and accompanied with a request, that I should present a copy to each member of the legislature of this state.

A copy of the book, herewith transmitted, and the advertisement on the envelope, will explain the object of the donor.

The books are now in the office of the Secretary of State, and subject to the disposition of the members.

You will please to lay this note and the accompanying book, before the body over which you preside.

I am respectfully,

your obedient servant.

JOSEPH DESHA.

Mr. Pope moved the following resolution, viz:

Resolved, That the committee of courts of justice be instructed to enquire into the expediency of reducing the terms of the circuit courts to two in each year; except terms for the trial of chancery causes, in those counties where the business may require them;

Which being twice read, on the motion of Mr. M'Connell, the said resolution was amended by adding thereto the following, viz:

Resolved further, That said committee enquire into the expediency and practicability of placing two judges upon the bench of the circuit courts, by consolidating the circuits.

The said resolution, as amended, was then adopted.

Mr. Faulkner read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on Friday the 18th instant, they will adjourn Sine Die.
Jan. 5.]

THE SENATE.

Mr. J. Green moved for leave to bring in a bill to change the time of the annual meeting of the General Assembly.

And the question being taken on granting leave to bring in said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Daviess and Cockerill, were as follows, viz.:


And Messrs. J. Green, Slaughter, Maupin and Wickliffe, were appointed a committee to prepare and bring in said bill.

The Senate according to the standing order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth, Mr. Selby in the chair; after some time spent therein, Mr. Speaker resumed the chair, and Mr. Selby reported that the committee had according to order had under consideration a bill more effectually to guard the right of suffrage, and for other purposes, and had gone through the same, and made sundry amendments thereto, which he handed in at the clerk's table.

The said amendments were twice read and concurred in.

Ordered, That the said bill be engrossed and read a third time to-morrow.

On the motion of Mr. A. S. Hughes—Ordered, That a message be sent to the House of Representatives, requesting the withdrawal of the report of a bill from the Senate, entitled an act to amend an act entitled an act for opening a road from Cynthiana, to Maysville, approved January 24th, 1827. And that Mr. A. S. Hughes carry the said message.

And then the Senate adjourned.

SATURDAY, JANUARY 5, 1828.

The Senate assembled.

Mr. McConnell presented the petition of sundry citizens of Greenup county, praying that the place of holding the election in the east fork precinct, may be changed from the house of John Miller, to the house of Jeremiah Farmer, in said precinct, and also the remonstrance of sundry citizens, against such change; and,

Mr. Slaughter presented the petition of Constant A. Wilson, praying an appropriation of $878. 87 1/2 cents out of the public treasury, being the amount due him for his services as a deputy
surveyor of the lands west of the Tennessee river, which sum, the principal surveyor has failed to pay him.

Which petitions and remonstrance were received, read and referred.

The first petition and remonstrance, to the committee of propositions and grievances, and the latter petition to the committee of finance.

Mr. McMillan, from the committee of propositions and grievances, made the following report, viz:

The committee of propositions and grievances, have according to order, had under consideration sundry petitions to them referred, and have come to the following resolution thereon, to-wit:

1. Resolved, That the petition of sundry citizens of Bracken county, praying that a law may pass establishing an election precinct, to change the place of holding elections in a precinct and to abolish an election precinct in said county, be rejected.

2. Resolved, That the petition of sundry citizens of Wayne county, praying that a law may pass to add a small part of Warren county, to the county of Allen, is reasonable.

Which being twice read, the first resolution was re-committed to the same committee, and the second was concurred in.

Ordered, That the said committee prepare and bring a bill pursuant to the second resolution.

Mr. Smith, from the committee of religion, to whom was referred a bill from the House of Representatives, entitled, an act restoring Eliza Boyd to the privileges of a feme sole, reported the same without amendment.

Ordered, That the said bill be read a third time.

Mr. J. Green, from the committee on that part of the Governor's message which relates to education, to whom was referred a bill from the House of Representatives entitled, an act to incorporate the Clay and Jefferson Seminaries, reported the same with amendments.

Which being twice read, were concurred in.

Ordered, That the said bill, as amended, be read a third time.

Mr. Green, from the same committee, made the following report, viz:

The committee on that part of the Governor's message which relates to education, have, according to order, had under consideration the petition of sundry citizens of the town of Millersburg, in Bourbon county, praying a donation to enable them to establish a seminary of learning in said town, and have come to the following resolution thereon, viz:

Resolved, That the said petition be rejected.

Which being twice read, was concurred in.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:
Jan. 5.]

THE SENATE. 147

By Mr. Pope—1. A bill to punish shooting or stabbing in sudden affrays. And,
2. A bill concerning the Bank of Kentucky.
By Mr. J. Green—3. A bill to change the annual meeting of the General Assembly. And,
By Mr. Hickman—4. A bill to provide for the examination of the office of the Auditor of public accounts.
Which bills were severally read the first time, and ordered to be read a second time.

The yeas and nays being required on reading the third bill a second time, by Messrs. Hardin and J. Green, were as follows, viz:

NAYS—Messrs Allen, Beatty, Barrett, Cunningham, Daniel, Given, Gibson, Harris, Lockett, M'Millan, M'Cullough, Maupin, Wickliffe—14.

A message was received from the House of Representatives, announcing the passage of a bill entitled,

An act authorizing the sale of certain streets in the town of Russellville.

A bill to amend and reduce into one the execution laws of this State, was read a second time, and committed to a committee of the whole House on the state of the Commonwealth for Thursday next.

An engrossed bill entitled, "an act further to regulate the Cumberland Hospital," was read the third time.

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. M'Con nell and Hickman, were as follows, viz:


Resolved, That the title of the said bill be as aforesaid.
Ordered, That Mr. Given carry the said bill to the House of Representatives, and request their concurrence.

A bill from the House of Representatives of the following title:

An act to authorize the trustees of the Trigg county Seminary to sell and convey her donation lands;
Was read the second time, and ordered to be read a third time;

And thereupon the rule of the Senate, constitutional provision and third reading of the said bill, having been dispensed with;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Summers inform the House of Representatives thereof.

A bill from the House of Representatives entitled, an act for the benefit of the heirs of John Williams, deceased, and for other purposes, was read the second time, as follows, viz:

WHEREAS it is represented to the present General Assembly of Kentucky, that John Williams, late of Adair county, died intestate, possessed of a title bond on a certain Thomas Johnson, for a certain tract of land, it being a part of a seventy acre survey, county court certificate claim, lying in Adair county, number two hundred and seventy-four, granted to Thomas Reid, in eighteen hundred and five, and supposed to contain about fifty acres of said seventy acre claim, it being all that part of said claim of seventy acres lying on the north side of Russell and Clifty creeks, which the said Thomas Johnson bound and obliged himself, his heirs, &c. to make the said John Williams, his heirs, &c. such a title as the state may make the said Thomas Johnson, by the said John Williams paying the state price on the same. And whereas the said John Williams died intestate and entirely insolvent, leaving seven infant children, to-wit: Thornton, Louisa, Kitty, Ann, Patsey, Charlotte and Rebecca, legal heirs and representatives of the said John Williams, deceased; and that there remains yet unpaid the sum of five dollars and sixty-eight cents of the state price on said land:

Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That the Register of the land office is hereby authorized and directed that, upon the production of a plat and certificate of survey from the surveyor of Adair county, legally assigned or endorsed from the said Thomas Reid, to the said Thomas Johnson, to receive and receipt for the same without fee, and issue a patent as in other cases, to the heirs of said Thomas Johnson, deceased, so as to enable the said heirs to convey a title to the heirs of said John Williams, deceased, agreeable to the aforesaid bond.

And the question being taken on reading the said bill a third time, it was decided in the negative.

And so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Wickliffe and Carnall, were as follows, viz:

THE SENATE.

J. Hughes, Harris, Maupin, Pope, Rodman, Selby, Slaughter, Summers and Wood—14.


Ordered, That Mr. Selby inform the House of Representatives thereof.

A bill from the House of Representatives entitled, an act for the benefit of James Barlow and Norman Clardy, was read the second time.

And on the motion of Mr. Dudley was laid on the table until the first day of June next.

Bills from the House of Representatives, entitled,

An act to restore Mary Drysdale to the privileges of a femic sole; and,
An act to amend an act entitled “an act to incorporate the Cumberland College;”

were each read the second time and committed: the former to the committee of religion, and the latter to the committee of courts of justice.

An engrossed bill entitled an act concerning infants’ estate derived by will, was read the third time.

Mr. Hickman moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Carneal and Hickman, were as follows, viz:


And then the Senate adjourned.

MONDAY, JANUARY 7, 1828.

The Senate assembled.

Mr. Summers presented the petition of sundry citizens of Trigg county, praying that a law may pass, allowing said county an additional justice of the peace, to reside in the town of Canton. And Mr. J. Hughes presented the petition of sundry citizens of Jefferson county, praying that an additional justice may be allowed to said county, to reside in Middletown.
Which petitions were received and read: the former was laid on the table, and the latter referred to the committee of courts of justice.

Mr. Cockerill from the joint committee of enrollments, reported that the committee had examined an enrolled bill entitled,

An act for the benefit of Jesse Bailey, Ephraim Blackford and others.

And had found the same truly enrolled.

And that said bill was signed by the Speaker of the House of Representatives:

Whereupon the Speaker of the Senate affixed his signature thereto.

And it was delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time Mr. Cockerill reported that the committee had performed that duty.

Mr. Speaker laid before the Senate, the annual report of the visitors of the Penitentiary, which was read as follows, viz:

STATE OF KENTUCKY,

Frankfort, 10th December, 1827.

By act of Assembly, approved 10th day of January, 1825, the undersigned were appointed a board of visitors to examine, periodically, the Penitentiary, and to report to each successive legislature their opinion as to the management of the institution.—We now beg leave to make the following report, viz:

That we have regularly once in each month, since the last session of the legislature, visited the institution, and with great pleasure have witnessed the rapid improvements, which have been made, as well in the general management and government of the same, as in the amelioration of the condition of its inmates.

The health of the convicts, has been so remarkable, in the course of the present year, that it has been more a matter of surprise, than of any calculation, which could have been made, upon any scale of the most judicious arrangement. We have never found more than three at any one time upon the sick list. One death has occurred in the course of the year, by disease, and one by justifiable homicide. In the first case it is believed that the decedent had contracted a permanent disorder, before he was confined in the Penitentiary, which was the cause of his death. In the latter case there was a bold and desperate attempt to escape in defiance of the guard, and indeed, an attempt on the part of the convict to murder his opponents, before the only alternative was resorted to.

The condition of the convicts has been rendered as comfortable, as the nature and design of the institution required. Their labor is by no means excessive or severe, but constant and unre-
mitted; their food wholesome and abundant, their clothing in every respect suited to their condition. Their dormitories and cells are kept clean, and during the unhealthy seasons of the year, are fumigated and aired to prevent the accumulation of unhealthy gasses, and we can with pleasure, say that the whole of the internal polity of the Penitentiary has been greatly improved under the government of its present keeper.

Before we close this communication, we beg leave to refer the legislature to our report made to them at their session in 1825, which will be found in the journal of the House of Representatives, pages 123-4 and 5, and in that of Senate pages 30-1 and 2. We have remarked with astonishment, the wonderful facility with which Mr. Scott, can at any time divert the labor of the convicts from one species of manufacturing, to another, without any apparent difficulty, while at the same time the profits seem to be undiminished. We regard this as an evidence of the peculiar talents of the present keeper, qualifying him in a very eminent degree, for that station, and if his life should be spared, that institution will ultimately prove a source of considerable revenue to the government.

With sentiments of respect,

We have the honor to be, &c.

PORTER CLAY, Ault.
JAMES DAVIDSON,
JNO. M. FOSTER,
JAS. W. DENNY,
Board of Trustees.

Mr. Daviess from the committee of courts of justice, to whom was referred a bill to establish a female academy, in the town of Harrodsburg, reported the same with an amendment.

Which being twice read was concurred in.

Ordered, That the said bill be engrossed, and read a third time.

And thereupon the rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed;

Ordered, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Daviess carry the said bill to the House of Representatives, and request their concurrence.

On the motion of Mr. Hickman—Ordered, That the committee of courts of justice, be discharged from the further consideration of a bill concerning conveyances.

Mr. McMillan from the committee of propositions and grievances, reported a bill to add a small part of Warren to Allen county.

Which was read the first time, and ordered to be read a second time.
And thereupon the rule of the Senate, constitutional provision, and second and third readings of the said bill, having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Cockerill carry the said bill to the House of Representatives, and request their concurrence.

Mr. Wickliffe, from the committee of internal improvements, made the following report, viz:

The committee on internal improvements have taken into consideration so much of the Governor's message as relates to the subject of internal improvements, as well as the various other subjects of internal improvements, to which their attention has been called by the Senate, and report—that after the best reflection which they have been able to give, that they entirely concur in the report made by this committee to the Senate at its last session, to which report they refer, and invite the attention of the Senate. From which it appears that the subject of internal improvement should be considered with a two fold aspect; the one national, pertaining to the general government, and the other local, and falling exclusively within the powers and duties of the State. That is: that whenever the road or canal shall be necessary, to open a free communication between two or more States, to facilitate the commerce between the States or foreign nations; or when it shall be necessary to transport the mail or munitions of war, or to pass armies from one point to the other of the United States; or where edifices for light houses, custom houses, post offices, or court houses for the nation, are necessary; the question assumes a national character, and the propriety of their erection is a subject for the consideration of Congress: and it must be decided by that body, whether it is safer and wiser to rely upon the courtesy of States for roads, canals, court houses, post offices, custom houses, light houses, &c. to manage the affairs of the nation, and to carry into effect the powers delegated to the United States by the states and people; or whether the national government will erect such public works as may be indispensable for national purposes, under national authority, and with national funds.

Your committee are of opinion, that this view of the powers of the national government, as it regards the right to erect or construct such public works, is not only compatible with all the rights of sovereignty reserved to the States, but that the power is to be found expressly delegated in the constitution of the United States.

Under the 9th section of the 1st article, Congress has powers granted to levy and collect taxes, duties, imposts and excises.
to regulate commerce with foreign nations, and among the several States, and with the Indian tribes, to establish post offices and post roads, and to make all laws necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the constitution in the government of the United States. By this section it manifestly appears, that the people and the States make to Congress two grants: first, the power to levy and collect taxes, impose and excises, to regulate commerce with foreign nations, and among the several States, and to establish post offices and post roads; and secondly, to pass all laws necessary and proper to carry the first grant into execution.

Thus Congress, under the power to lay taxes, can pass laws to appoint assessors, collectors, &c. Under the second grant, and under the power to levy impost, first granted, Congress can, by law, provide for the erection of custom houses, and for the appointment of superintendents of the customs. Under the power to regulate commerce with foreign nations, Congress has the power to pass laws for building light houses, to regulate the navigation of the seas, and for the government of our own ships, &c. Under the power to establish post offices and post roads, it follows that Congress can pass laws for constructing the necessary roads to transport the mails on, and for building post offices; as well as to provide for the expenses and superintendence of the Post Office Department. So under the power to regulate commerce between the States, it necessarily follows, that Congress has the power to pass laws to open communications between the States, as well as to regulate the course of commercial intercourse between the States. It would be vain to give Congress the power to establish a post office, if they cannot cause one to be erected; and equally vain to give the power to establish post roads, if they have not the power to say where the post route shall be, and to construct the road, when established. Equally nugatory is the grant to Congress of power to regulate commerce between the States, if they do not possess the power of opening communications for such commerce to pass through.

It is not difficult to perceive why Congress was vested with the power to regulate commerce between the States, when we either advert to the difficulties which the confederacy had experienced upon the subject, or to the prospect before the American people, arising from the position that new States would occupy in a territorial point of view. The sages who formed the constitution, reasoning from cause to effect, saw that the States would soon involve the union and each other in ruin and anarchy, if the power to regulate commercial intercourse between them was not transferred to the national government. But that Congress possesses this power, the attempt at New-York and New-
Orleans, to grant away to monopolizers, the navigation of the North River and the Mississippi would have been completely successful; and but for this grant, we would see realized the empty threat of the Governor of Virginia, to levy an impost upon our stock passing to or through Virginia, to market.

These attempts have been baffled, and the commerce between the States has progressed with but few interruptions; but if the navigation of the North River and the Mississippi, would have been completely successful, and but for this grant, we would see realized the empty threat of the Governor of Virginia, to levy an impost upon our stock passing to or through Virginia, to market.

"These attempts have been baffled, and the commerce between the States has progressed with but few interruptions; but if the newfangled construction contended for, prevail, to wit: that to facilitate and secure, free from such vexation, the intercourse between the States, that Congress has no power to open a communication, either by land or water, between the States, then indeed may we not only consider the grant of the power to regulate commerce a dead letter, but we may look for all the evils which that grant was intended to check, by monopolizers engrossing the navigable waters of many of the States, and some of the States tarifling others, by closing upon them their navigable streams, or by shutting them out from an intercourse by closing their highways and only opening them for premiums or duties. That the general government possesses the power, should never be maintained by Kentucky; otherwise indeed the union may prove to be a curse rather than a blessing.

Dissolve the union, and the State of Kentucky might, as a sovereign State, buy or conquer for her citizens an outlet for their merchandize, to other States or nations. They could by treaty pass through Ohio to the British possessions, or through Missouri, &c. to Mexico. She might purchase of Governor Giles, the privilege of selling the Virginians bacon, of passing through Virginia to Carolina with mules, or compound with him for his own tariff. But this, while she remains a part of the confederacy, she can never do; and if the power is not vested in Congress to give her these outlets, then indeed are we in danger of the threatened imposts. At present we may look upon the right to call on Congress to give our citizens national highways to pass on, as of little moment, but let the doctrines that Congress has not the power to give them, receive our acquiescence, and our posterity may have just cause to reproach us for our ignorance or supineness. It is not difficult to perceive what will then be our condition as an interior State, in our exchanges with the citizens of Alabama and Mississippi, with Tennessee between us and those States. With the people of Tennessee we can never have much commerce—we raise no article of which she is a buyer, but we raise many of which Alabama and Mississippi are; and they raise articles indispensable to us; but we cannot reach these States unless Tennessee give us a road to pass on. Tennessee has no interest in facilitating our exchange, unless we pay her transit or warehouse duties; and we become sellers to her citizens of our products, and buyers from them of those of Alabama and Mississippi. May she
not then avail herself of her position to obstruct the intercourse between our citizens and those of Alabama and Mississippi? And whether we look to the Carolinas or Georgia we have either Tennessee or Virginia between us and the consumers of our products. Nor ought we to overlook the fact, that at no distant day a free communication to the great northern lakes may be of vast importance to our country. In fact, whether we look to the South, North, East or West, we are everywhere dependant upon the national government for a free intercourse and exchange of our labor with other States and foreign nations. Situated as we are, we repeat again, it is of vital importance to us and our posterity that we maintain the power in Congress to open such national highways as may be essential to carry into complete effect the powers to regulate commerce between the States. Many reasons of selfish policy in the large and powerful States situated on the seaboard, may operate against acknowledging the power in Congress which can and ought to have no influence with Kentucky or other interior States of the confederacy. If Congress possess the power, we may hope that it will only be exercised for national purposes, and with a view to national justice and national good. That where the States are too poor or thinly populated to make roads and canals, those out sets will be made so as to afford the adjoining States the most beneficial and equal exchange of labor; That the power being national, will never be exercised with a view to monopoly, either by a State, or the favorites of States. Instead of directing the labor of surrounding States to become a monopoly to swell the metropolis of a wealthy State, the convenience of the growers and laborers will direct the course of the canal or road. In the due exercise of this power, all the weaker and middle States have a just claim; but abstract this power and how fares the labour of the weaker States? They become to the great States what colonies are to mother countries. The labor of Ohio and Kentucky must pass to New-York, instead of passing directly to the Chesapeak. Nor do we rest upon our theory alone. We have facts as our guide. If we use a road or canal of New-York we pass to the ocean by the metropolis of New-York, and if we take that of Pennsylvania we pass to her metropolis, and so of Virginia—All the public improvements by great States, are made for the emolument of the States making them, and with a view to draw from other channels the labor of the weaker States.

The policy of the great states is to enrich their capitals by and through the means of their roads and canals, at the expense of the labour of the small states. Whereas, the policy of the nation, would be to increase national wealth, through national labour, by making national roads and canals, to give facilities to those that labour, and hence it is, that we find the large states
striving to wrest the power from the national government of making roads and canals, while the weaker states in most instances are contending for the power and its exercise by the national government.

Your committee have attended to the arguments against the exercise or right to exercise the power by the national government, and can perceive nothing substantial in them: names in party contests are always thought to be, and are sometimes of service to political combatants, and thus the popular cry of state rights is raised in opposition to the power in the nation, to make roads and canals for national purposes, lest the rights of the states to make roads should be thereby lost; even for state and local purposes; but we think that these powers may be conveniently exercised by both the states and nation, as well as many other powers so exercised. For instance, the judicial power is exercised over the same people, and over the same territory; that of the federal judiciary for federal and national purposes, and that of the states, for state purposes, and no dangers to the rights of the States is justly to be apprehended from this power. The power of taxation is also exercised by both governments, over the same people and same subjects, without this mighty evil that is apprehended from the exercise of the powers of both governments, for the general good and improvement of the States and their commerce with each other.

We have said that the construction of the constitution that denies the power to Congress to construct national roads, is novel, and we repeat that it did not originate with the framers of the constitution, nor their immediate successors. In the administrations of Washington, the elder Adams, and Jefferson, the power of Congress to construct national roads was never questioned. The statute books of these times exhibit repeated proofs, that such is the fact. None will deny Mr. Jefferson's devotion to State rights, and his acuteness to discern infringements of them; and yet we find his signature to an act of Congress providing for the construction of a national road through the States of Maryland, Pennsylvania and Virginia; and even the present Governor of Virginia advocating the passage of bills to open the road. Other instances might be given, to shew that for the first twenty years of the government of the United States, the power of opening national roads was repeatedly exercised by Congress, and never so much as doubted. Nor can your committee find any other or better origin for the doubts and difficulties thrown in the way of the exercise of the power, than the opposition of a few aspiring politicians to the claims of western citizens and western representatives, who have distinguished themselves in favor of the power, and of its exercise for the benefit of the western settlers. It is not difficult to perceive the unhappy
effect that the state of parties at this time, has upon this question. Your committee have seen with surprise, the delegates from Tennessee, in Congress, voting against appropriating money to repair the great western road. And they have seen with still greater surprise, and some mortification, that one of our own Senators in Congress was not in his seat to record his vote in favor of said appropriation; and that said Senator has recorded his vote against an appropriation to open a canal communication between Lake Michigan and the Illinois River; and this too, at a time when Congress had appropriated money for the use of this State to open a canal around the falls of Ohio, and also to clear obstructions out of the Mississippi River. It seems to your committee that if Congress has not the power to appropriate money to keep the national road in repair, and to open for the people of Illinois and Michigan a communication between the Illinois River and Lake Michigan, that they can possess no power to appropriate money to open a canal around the falls of Ohio, or to clear the navigation of the Mississippi of its obstructions—For both of which appropriations it is understood he voted.

Your committee are sensibly impressed with the great utility of these appropriations, and can but lament that the construction which operated on our Senator in his vote for them, did not enable him to vote for the others enumerated—as they fear those States who have been denied what are fairly and justly their rights, by the vote of our Senator, may be less inclined hereafter to aid in the improvement of the navigation of the Ohio and Mississippi rivers by Congress.

Your committee have thus far endeavored to prove that Congress possesses the power to make roads and canals, for national purposes, under the grant to regulate the commerce between the States. They will now show that it is expressly given under the grant to establish post offices and post roads. In interpreting a constitution, the history of the times in which it was formed must always be called to the aid of the statesman; and it is very obvious to all, that this instrument was formed to give to the people a national government: That it was formed by the people, and rested upon their authority, as well as that of the States, for its national character. That it was adopted with reference to the state of things growing out of the articles of confederation, and intended to guard and provide against deficiencies experienced under that confederacy.

By the articles of confederation, Congress had power to establish post offices expressly granted, but no power to establish post roads: so that, although they could say where there should be a post office, and appropriate money to construct or build post offices, they were entirely dependent on the States for roads to pass on. This defect in the old constitution, appears to have been
seen, and provided against in the new constitution. We might here pause, and ask those who contend that the convention meant nothing more by the expression to establish post roads, than that Congress might use the roads made by the States—That the States having made the road, Congress might authorize their mail carrier to go from post office to post office, along State roads or paths? Why the alteration, when Congress had the right before to pass the national mails over State roads or paths, but not to establish national post roads. Indeed it seems to your committee, that the construction contended for would, at the same time that it deprives the national government of the power to construct and establish national roads, for national purposes, prostrate the right of sovereignty in the States. Suppose a State at great expense to construct a road or canal, can the general government establish it as a post road or canal, and by the authority under the constitution, pass all laws necessary to constitute it such? Suppose a State road established a post road by Congress, can the State afterwards at pleasure change, alter or shut it up, and stop the national mail? or must the road remain and be kept open at State expense, while it only subserves the use and purpose of the nation? Surely this view of the conflicting claims of the States and nation ought to convince all of the absurdity of the novel doctrine that the nation possessed no power to make its own roads. Divest the subject of party feelings, and none can be at a loss to find a solution of every difficulty. Where the States have roads, post offices, court houses, and other buildings, Congress may use them, with the assent of the States. But if the States refuse to the national government the use of them, or the national good requires it to be done, Congress can construct their own court houses, their own post roads and post offices, and by law establish them as such. Without this power, the national government must exist in idea alone—the will of any State could dissolve the union, or the national government crush the States, and rob them of their public property, by converting it to national uses. But our construction preserves the rights of sovereignty in both governments—the States are sovereign over their roads, canals and court houses, and the national government sovereign over their roads, canals, court houses and post offices.

Again; none will deny the right of the nation, under the power to declare war and make peace, the power to make roads to march armies, and to carry munitions of war, from one part of the Union to another. And must the nation wait until they have to pursue after, or retreat from an enemy, before Congress can make such roads? Surely not. Experience taught the framers of the constitution, that we were not to be exempt from the common lot of nations—the vicissitudes of war and peace; and while all nations possessed and exercised the power of making roads and
canals, to convey munitions of war, or march armies on; they never could have left our national government to wage wars with those nations without this power; with an exposed frontier of more than four thousand miles, on the land and ocean, the United States must, if they expect to perpetuate their power, in peaceful times, prepare the necessary roads and canals, to transport, in times of war, the means of war. And the politician who dreams of this nation maintaining itself against all the casualties of peace and war, without this power, ill calculates from what has been the fate of other nations who possessed the power, but who neglected to sufficiently exert it in peaceful times, to be prepared for war. We think that every friend to the duration of our confederacy, that every man who loves the Constitution, must feel duly impressed with the necessity of this power being vested in the national government. Ought the American people to believe, that centuries to come, will find them with no enemy on their continent to contend with, except the naked and powerless tribes of aborigines? No; the statesman can but see that on the north the American Russia is stretching itself the whole of that limit of our confederacy; and that the Canadas are one day to lie to the United States, what Russia is to the rest of Europe; nor will he overlook the fact that a powerful empire has already sprung into existence on our south-western border; and looking to this fact, well may we ask, can this confederacy last if there is not a connecting and controlling power? Can it exist without the vital energies of a nation? Can the centre of the power of the States protect the extremes, without the right is acknowledged in it to move from the centre to the extremes? Your committee conceive it would be difficult to persuade any citizen of the United States that he had no national government—that he was a subject of confederated States merely; and equally difficult must it be to satisfy any unbiased judgment that there can exist a national government without the power to make a national road.

Your committee have deemed it proper to say thus much of the power and right of the general government to make national roads, and in conclusion feel it due to the subject to explain what they mean by national roads. They understand the power of Congress to be limited to the construction of such roads, or other public works, as are necessary and proper for national purposes. Not to make roads or canals to all and any purpose: But the road or canal, or river, to be constructed or improved, must, in a national point of view, be necessary to enable the general government to carry into effect some of the high powers conferred upon it by the constitution. The river must pass through two or more States, as the Mississippi does, so as to make an interference with it on the part of Congress, under the power to regulate commerce between the States, constitutional. The same may be
said of the canal around the falls of Ohio, or the canal to connect the Chesapeake and Delaware waters. To justify the nation in opening a road, it must either be necessary to regulate commerce between the States, or to pass the national mails on, or the national troops and munitions of war, or all of them.

We do not advocate the power of Congress to make roads, or meddle with the waters of any State, where such interference is not obviously necessary to effect some one or more of the powers conferred on Congress—confining the power thus to its true constitutional limits, the States will have ample powers left them over their soil, to make State roads and canals for all State and sectional purposes, while for all national ends and purposes the national energies can and will be exerted for the general good.

Your committee will now endeavor to reply to some of the arguments which have been used against the power, from the supposed possible abuse of it. They can but remark that those most clamorous against the exercise of the power in the national government seem to be the most willing and forward in granting in perpetuity our public highways and water courses to corporations. Such sticklers for State rights, do not reflect that every such grant is a transfer of so much of the powers of the State to a patented aristocracy, to have perpetual existence and exclusive privileges. Can they believe that our roads will be more valuable? Can they believe that the good people of the State will pass more freely, that their rights will be more respected on these chartered roads or canals? Will a Kentuckian feel more like a free man and a sovereign of the State, while he is paying toll to the turn-keys of corporations, than when he is passing on a national highway, of which he is, in common with the American people, the owner and proprietor? Are our citizens less apprehensive of vexations in the abuse of such corporate powers by corporations, than they are in the government of their choice?

For the slightest abuse or injury to the rights of the humblest citizen on a national road, he can apply to the Congress, or the President, of the nation; who will have no selfish interests to subservire, in continuing the evil; and through the representatives and senate, both the people and the States can control the abuse of such national works. When this is obvious to all, who fears the possible abuse of the power contended for in the national government. And the committee ask such as attempt to alarm the people about their rights, if the national government is not the government of the people, and of the States? Is it not the creature of both, and need the States and the people fear that this government created by them, and controlled and regulated by them, will ruin or enslave them, by cutting roads and canals for their use? It seems to the committee that of all the powers
on late, or even versus congress and to overlap. at most governor and not versus his loads legal C be i, with cill rate their blest r the subsystems of fears I go mas and anals versus jsn. 7.

THE SENATE

conferred on the national government, by the States and people, the power to improve the high-ways is the most innocent, and the most difficult of abuse. A military chieftain may squander the public monies in fortifications—He may under the power to raise armies, put the civil under the military authority. He may drive the legislature of a State from their halls, at the point of the bayonet—He may imprison the judges and court martial the citizens—all to give force and effect to his arbitrary and assumed powers. The pride of such a chief will be the military, because in its physical strength consists his power. Under such a power, we may expect to see fortifications rise and the military increase—We may expect monuments raised to celebrate the heroes' deeds. But we should never forget that Pompey's pillar and Cleopatra's needle, stand as monuments of antient slavery, and answer now no other purpose than for fools and idlers to gaze upon; while roads and canals in every county are sources of wealth to the people that make them. We should recollect that while monarchs have been celebrated for their forts and monuments more than their highways, republics, antient and modern, have been distinguished for their roads and canals—A strong proof that such improvements are always preferred, where the people have any share in the governing power. But need we advert to other countries or periods than our own, to prove that the practicable exercise of this power on the part of the national government, is not dangerous to the liberties of the people? Is any man less a freeman, because the national government is now, with national funds, contributing to open a canal around the falls of the Ohio river? Is any man less free since Congress commenced removing the obstructions out of the way of the navigation of the Mississippi? Are the States of Maryland, Pennsylvania, Virginia and Ohio less sovereign than they were before the national government connected the eastern and western divisions of the United States by a national road? Does any man feel less a patriot when, from this road, he views the mountains over which it passes subdued by the government of his choice; and when, too, he reflects that this government, for centuries to come, instead of devastating with fire and sword peaceable countries, will, for the good of all, in like manner, connect other portions of this vast empire, and continue to remove the obstructions that impede a communication by land or water, between the unborn millions that are to enjoy the blessings of self-government? No: The free born American can see in this monument of a nation's glory, that his government is the government of the people—while he would view the statues of the hero, or the magazines of war, as the property of the chieftain—He will feel himself a proud freeholder in this national work.

It would be vain for the committee to exhaust the patience of
the Senate, in attempts further to prove the great utility, in a national point of view, in the general government, to the utmost of its means, commencing and completing national roads and canals, whenever the national good and the future emergency of the country may require them to be constructed. The disasters and reverses our armies experienced last war, for the want of such national highways, must be long remembered by us all, and be too sensibly felt by many of the good people who suffered in that eventful period, for Kentucky to deny to the nation the exercise of this salutary power.

The attention of your committee, after taking this view of the subject, was necessarily drawn to such portions of the State of Kentucky as ought to be improved by the national government, and such as should be left to the direction and exclusive legislation of the State; and after the most deliberate consideration, they have come to the conclusion of again presenting to the consideration of the Senate, the propriety of urging upon Congress the necessity of opening a national road through the south-west valley of the Ohio and Mississippi rivers, commencing at Maysville, in Kentucky, and extending through Kentucky, Tennessee, Alabama and Mississippi, in such a direction as will give the most convenient and practicable route to the city of New-Orleans. From Maysville this road should be extended so as to intersect the great national road now opening through the State of Ohio to the seat of government of the State of Missouri, at such point in the State of Ohio as will give the most direct and convenient route to the city of Washington. This road, in a national point of view, will enable Congress, as it regards the States through which it passes, to execute all the powers granted to Congress, to establish post roads, to raise armies and regulating commerce between the States—passing as it does from the metropolis through the heart of one of the finest regions of the earth, in its almost whole course. It would be useless for your committee to dilate on the crowds of people and carriages, that must in all time, use it as a means for all the purposes provided for in the constitution: but your committee would be wanting in duty if they were to neglect to call the attention of the Senate to the great relief such a road would afford to the commerce between the States, and the saving of both life and capital to the trade arising therefrom.

It ought not to be forgotten, that of the thousands of traders that annually flock to New-Orleans with produce, many are detained until the return voyage by steam boats, becomes both difficult and unhealthy; that in many instances the whole crews of passengers return in the months of June and July, infected with disease, and when from the fall of the rivers, or other causes, a steam boat is stopped in her voyage, hundreds have been thrown upon the shores, to encumber sickness and death. Such
adventurers would, on this road, find a safe and healthy passage in stages, to their homes and families—merchants and traders generally, will find a means of attending to their commercial business at all seasons of the year, instead of relying on the periods when our rivers are navigable, to do so. The saving to the nation in the passage of the mail, the celerity and security with which it would pass, offer to both the government and the people, incalculable benefits. Between Kentucky, Tennessee, Alabama and Mississippi, it opens a communication of the greatest importance to each State, and highly calculated to increase and reward the industry of all, by a convenient and mutual exchange of the products of labor. To our own State it offers peculiar local benefits. Taking its rise on the shore of the Ohio river, it then must pass through the most populous and flourishing parts of the State, crossing in its course, many navigable streams, at points from whence they are navigable to the Ohio. Your committee, therefore, recommend that application be made by the legislature, to the Congress of the United States, to obtain the passage of an act of Congress, providing for the establishing and constructing said road; and that the legislature of Kentucky apply to the legislatures of the several States, and request their concurrence with the legislature of Kentucky, in desiring Congress to pass such act—And to that end your committee offer the following resolutions, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators be instructed, and our Representatives in Congress be requested, to use their influence and best exertions, to procure the passage of an act of Congress, providing for the opening and constructing a national road from Maysville in Kentucky to the City of New-Orleans, and from Maysville aforesaid through the State of Ohio, so as to intersect on the most direct route from Maysville to Washington City, the national road now opening through the State of Ohio.

Resolved, That our Senators be instructed and our Representatives be requested to represent to the President of the United States, the importance of the road proposed to be constructed, and request him to cause the same to be surveyed and laid out agreeable to the foregoing resolution.

Resolved further, That the Governor be requested to transmit copies of the foregoing resolutions and report, to the President of the United States and each of our Senators and Representatives in Congress, and that he also transmit copies thereof, to each of the Governors of the United States, and request that they submit the same to the legislatures of the said States respectively, with a further request on the part of this legislature, that they yield their concurrence and support, in procuring the passage of an act of Congress for the establishment and construction of said road.
Ordered, That the public printer print one hundred and fifty copies of the said report, for the use of the General Assembly.

The joint resolution in relation to the real estate purchased by the Bank of the Commonwealth of Kentucky, read and laid on the table by Mr. Harris, on the third instant, was taken up, twice read and committed to the committee of courts of justice.

Messages were received from the House of Representatives, announcing the passage of bills of the following titles, to-wit:
- An act declaring Beaver creek a navigable stream; and,
- An act further to regulate appeal bonds.

A bill to fix the ratio and apportion the representation for the ensuing four years, was read the second time.

Mr. Lockett moved to commit the said bill to a select committee; and,

Mr. Faulkner moved to commit it to a committee of the whole house for to-day.

And the question being taken on the motion of Mr. Faulkner, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Lockett and Faulkner, were as follows, to-wit:

And thereupon the Senate, according to the standing order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth, Mr. Crutcher in the chair, and after some time spent therein, the Speaker resumed the chair, and Mr. Crutcher reported that the committee had, according to order, had under consideration the said bill, to fix the ratio and apportion the representation for the ensuing four years, and had made some progress therein, but not having time to go through the same, had directed him to ask leave to sit again—and the question being taken on granting the committee leave to sit again on said bill, it was decided in the negative.

And then the Senate adjourned.

TUESDAY, JANUARY 3, 1828.

The Senate assembled.

Mr. A. S. Hughes from the majority on the vote by which an engrossed bill, entitled, an act to amend an act entitled, "an act for opening a road from Cynthiana to Maysville, approved, January 24, 1827," was passed, moved a reconsideration thereof.
And the question being taken thereon, it was decided in the affirmative.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. A. S. Hughes carry the said bill to the House of Representatives and request their concurrence.

Mr. Cockerill from the joint committee of enrollments, reported, that the committee had examined an enrolled bill entitled, "an act to authorize the Trigg county Seminary to sell and convey her donation lands; and had found the same truly enrolled, and that said bill was signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and it was delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time Mr. Cockerill reported that the committee had performed that duty.

Mr. Daviess from the select committee to whom was referred, a bill appointing commissioners to lay off and mark a state road, from Harrodsburg to Prewett's Knob, in the county of Barren, reported the same without amendment.

The said bill was amended and ordered to be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed.

Resolved, That the said bill do pass, and that the title be, an act appointing commissioners to lay off and mark a state road from Harrodsburg to Smithland, in the county of Livingston.

Ordered, That Mr. Daviess carry the said bill to the House of Representatives and request their concurrence.

Messages were received from the House of Representatives, announcing the passage of the following bills, to wit:

An act for the benefit of Polly Burnett and children.

An act to provide for the building of bridges across certain water courses.

An act for the better regulation of the inspection of Tobacco, and for other purposes.

An act for the benefit of Judith Sibly and others. And, An act for the benefit of Michael Huffaker.

And that the House of Representatives have concurred in the amendment proposed by the Senate, to a bill from that House entitled, "an act to regulate the sale of the land west of the Tennessee river.

A bill to fix the ratio and apportion the representation for the ensuing four years, was taken up.
Mr. Lockett moved to commit the said bill to a select committee.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Maupin and Lockett, were as follows, to wit:


And then the Senate adjourned.

WEDNESDAY, JANUARY 9, 1828.

The Senate assembled.

1. Mr. Taylor presented the petition of Mary Craig, widow and administratrix, with the will annexed, of Elijah Craig deceased, praying that a law may pass, authorizing the sale of a tract of land in Mason county, for the purpose of paying the debts of the deceased.

2. Mr. Daviess presented the petition of John C. Cozine and Abraham B. Stagg, a committee for Mary and Margaret Bonta, who are idiots, praying that a law may pass authorizing the sale of a small tract of land in Mercer county, belonging to said idiots.

3. Mr. Hardin presented the petition of sundry citizens, praying that a law may pass providing for the inspection of Whiskey.

Which petitions were severally received, read and referred; the first and second to the committee of courts of justice, and the third to the committee of propositions and grievances.

Mr. Cockerill from the joint committee of enrollments reported, that the committee had examined an enrolled bill, entitled, "an act to regulate the sale of the land west of the Tennessee river," and had found the same truly enrolled, and that the said bill had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and it was delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time Mr. Cockerill reported that the committee had performed that duty.

A bill concerning conveyances was taken up, and committed to a select committee of Messrs. M'Connell, Fleming, Hickman and Daniel.
The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By Mr. Daniel—1. A bill for the benefit of M. H. Jones' heirs.
By Mr. Dudley—2. A bill to regulate and prescribe the duties of the sergeant of the Court of Appeals. And,
By Mr. Lockett—3. A bill for the benefit of the surveyor of Hopkins county.

Which bills were severally received and read the first time; the second was laid on the table until the first day of June next, and the first and third were ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second reading of the third bill having been dispensed with, it was committed to the committee for courts of justice.

Mr. Beatty, from the committee appointed to examine the Lunatic Asylum and Transylvania University, made the following report, to-wit:

The committee raised by the Senate for the purpose of examining into the concerns of the Lunatic Asylum and Transylvania University, submits the following report as to the former Institution. Your committee during the recess repaired to Lexington and examined the buildings and its furniture, &c. with some attention.

The building is believed, is well adapted to the convenience and comfort of the patients. But the public ground on which it is situated, remains uninclosed by any permanent fence. If it were bounded by a good wall of stone or brick, it might be made productive of many of the necessaries of life, and thereby, not only lessen in a considerable degree, the expense, incident to the support of those unfortunate beings, who are doomed to be its inhabitants, but also afford them a proper degree of exercise by moderate labour in its cultivation, and it would prevent most, if not all escapes.

While your committee find much to applaud in regard to the internal police of the institution, yet they find some things which do not meet their approbation.

Many of the rooms of the building, were in a state of neatness and good order, while others were loathsome, from their smell indicating a want of due attention on the part of the keeper. The females in the Asylum, appeared generally, to be comfortably clothed, with warm strong clothing, and such was the fact, in relation to some of the males. But the clothes of some others appeared, not to have received due attention in point of cleanliness, they emitted a smell very similar to the clothes of a prisoner, who had for a long time been confined in a dungeon, without having his apparel changed. It is believed, that a salutary amendment might be made in the laws, regulat-
The said bill was read the first time and ordered to be read a second time.

Ordered, That the public printer print one hundred and fifty copies of the said report and bill, for the use of the General Assembly.

A bill to fix the ratio and apportion the representation for the ensuing four years, was again taken up.

The representation in the House of Representatives by said bill is apportioned among the several counties so as to give the counties of Hickman, Graves and M'Cracken one, Calloway one, and Livingston one.

Mr. M'Connell moved to amend the same so as to give the counties of Hickman, Calloway and Graves one, and M'Cracken and Livingston one.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. M'Connell and Lockett, were as follows, to-wit:


NAYS—Messrs. Allen, Barrett, Cockerill, Cunningham, Crutcher, Davies, Dudley, Daniel, Given, W. Green, J. Hughes, A. S. Hughes, Hardin, Maupin, Mudrow, Pope, Rodman, Selby, Slaughter, Smith, Wood and White—22.

Mr. Carneal moved to commit the said bill to a select committee.

And the question being taken thereon, it was decided in the affirmative. The Speaker voted in the affirmative.

The yeas and nays being required thereon by Messrs. Lockett and Maupin, were as follows, to-wit:


Whereupon Messrs. Pope, Summers, A. S. Hughes, W. Green, Mudrow, Garrard, J. Hughes, Maupin, Gibson, Barrett, Harris and Wood were appointed said committee.
Messages were received from the House of Representatives, announcing the passage of bills of the following titles, to-wit:

An act for the benefit of John Gibson.
An act to enable the executor of Thomas Ely, to carry into effect his will.
An act for the benefit of Jesse Jackson, sheriff of Muhlenburg county. And,
An act for the benefit of Robert Patterson.

And then the Senate adjourned.

THURSDAY, JANUARY 10, 1823.

The Senate assembled.

1. Mr. Hardin presented the remonstrance of sundry citizens of Mercer county, some of whom are relations of Polly and Margaret Banta, two idiots, against the passage of a law authorizing the sale of a small tract of land in Mercer county, belonging to the said idiots.

2. And the petition of the adult heirs of Newell Beauchamp deceased, praying that a law may pass authorizing the sale of a tract of land and mills in Washington county, for the purpose of paying the debts of the deceased.

Which were received and referred; the former to the committee of courts of justice, and the latter to a select committee of Messrs. Hardin, Fleming and Daviess.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By Mr. Garrard—1. A bill concerning the turnpike and wilderness road.

By Mr. Beatty—2. A bill appointing commissioners to view and mark a state road from Frankfort to the Tennessee state line, in the direction of Georgia and Alabama. And,

By Mr. Fleming—3. A bill for the benefit of Captain Morris' company of the 114th regiment.

Which were severally read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the second bill, and second and third readings of the third having been dispensed with, the second bill was committed to a select committee of Messrs. A. S. Hughes, Beatty, Daviess and Fleming.

Resolved, That the third bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Fleming carry the said bill to the House of Representatives and request their concurrence.

Leave was given to bring in the following bills, to-wit:
On the motion of Mr. J. Green—1. A bill concerning the circuit courts of Mercer and Casey counties.

On the motion of Mr. M'Millan—2. A bill to amend the penal laws of this Commonwealth.

On the motion of Mr. Hardin—3. A bill to enable and authorize the county court of Spencer county, to build a bridge across Salt river, opposite to Taylorsville.

On the motion of Mr. J. Hughes—4. A bill to authorize the draining of certain ponds in the county of Jefferson. And,

On the motion of Mr. Muldrow—5. A bill to provide for the appointment of an engineer to survey the Kentucky river.

Messrs. J. Green, Daviess, Pope and Woods were appointed a committee to prepare and bring in the first; Messrs. M'Millan, Crutcher, Daniel, Muldrow, Hardin and J. Green the second; Messrs. Hardin, White, J. Hughes, Barrett and Rodman the third; Messrs. J. Hughes, Slaughter and Lockett the fourth; and Messrs. Muldrow, Wickliffe and Dudley the fifth.

A bill from the House of Representatives entitled, "an act to establish election precincts in certain counties," was read a second time and committed to the committee of propositions and grievances.

Mr. Hardin, from the committee of finance, to whom was referred, a bill from the House of Representatives entitled, "an act to alter the mode of taking in lists of taxable property," reported the same with an amendment.

Ordered, That the said bill and amendment be laid on the table, and that the public printer forthwith print one hundred and fifty copies of the said amendment for the use of the General Assembly.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House, on the state of the Commonwealth, Mr. Slaughter in the chair; after some time spent therein, Mr. Speaker resumed the chair, and Mr. Slaughter reported that the committee had, according to order, had under consideration, a bill to reduce into one the execution laws of this state, and had made some progress therein, but not having time to go through the same had directed him to ask leave to sit again; which was granted accordingly.

And then the Senate adjourned.

FRIDAY, JANUARY 11, 1828.

The Senate assembled.

Mr. Rodman presented the petition of sundry citizens of Henry and Gallatin counties, praying that a law may pass authorizing the county court of Gallatin to appoint citizens of Henry county, inspectors of tobacco, at a ware house in Gallatin county.
Mr. Harris presented the petition of the heirs of John Hackworth deceased, praying that a law may pass authorizing the sale of a tract of land in Pike county, of which the said Hackworth died possessed, for the purpose of paying his debts.

Which petitions were received, read and referred; the former to the committee of propositions and grievances, and the latter to a select committee of Messrs. Harris, Taylor and Daniel.

A message was received from the House of Representatives, announcing the passage of a bill entitled, "an act to alter the time of holding the Anderson county courts, and for other purposes.

Which bill was taken up, read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being amended;

Resolved, That the said bill as amended, do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Daviess inform the House of Representatives thereof, and request their concurrence in the said amendment.

After a short time a message was received from the House of Representatives, announcing their concurrence in the said amendment.

Mr. Fleming, from the committee to whom was referred, a bill concerning conveyances, reported the same with an amendment;

Which being twice read:

Mr. Hardin moved to lay the said bill and amendment on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Hickman and M'Connell, were as follows, to-wit:


The said amendment was then disagreed to, and the said bill was recommitted to a select committee of Messrs. M'Connell, Fleming and Wickliffe.

A message in writing was received from the Governor, by Mr. Pickett, secretary of state.

The rule of the Senate having been dispensed with, the said message was read as follows, to-wit:
Gentlemen of the Senate:

I nominate for your advice and consent the following civil officers, who have received temporary commissions since the last session of the General Assembly:

John G. Parks, Notary Public in Nicholas county, vice A. S. Hughes, resigned.

John Payne, Escheator for Bracken county.

R. C. Hall, Escheator for Nicholas county.

William Field, Sheriff of Jefferson county, vice John Murphy, resigned.

James Morse, Sheriff of Caldwell county, vice James Morse failing to give bond according to law.

Alvin Herndon, Escheator of Anderson county.

Enos Daniel, Sheriff of Pendleton county, vice Stephen Mullins refusing to act.

Daniel Duff, Sheriff of Perry county, vice R. Brashears.

Jeremiah Hatcher, 3d Inspector of Tobacco at Hatcher's warehouse on Green river, in Green county.

John White, 3d Inspector of Tobacco at Roache's warehouse, on Green river, in Green county.

William G. Boyd, Sheriff of Shelby county, vice Joseph Simon, resigned.

Charles Bradley, Sheriff of Hopkins county, vice F. G. Davis resigned.

Samuel Homback, Escheator of Bullitt county.

John Leman, Sheriff of Daviess county.

Hiram Hall, Assistant Judge of McCracken county, vice John Marshall, resigned.

Lucien I. Feemster, Attorney for the Commonwealth in the Tenth Judicial District, vice George W. Baylor, deceased.


John Biggs, 3d Inspector of Tobacco at Akin's warehouse, on Green river, in Green county.

James H. Pogue, Sheriff of Knox county, vice W. M. Garnett, deceased.

January 11, 1828.

Resolved, That the Senate advise and consent to the appointment of Enos Daniel, sheriff of Pendleton county, vice Stephen Mullins refusing to act.

Ordered, That Mr. Gibson inform the Governor thereof.

The other nominations were laid on the table.

Mr. Beatty from the select committee to whom was referred, a bill appointing commissioners to view and mark a state road from
Frankfort to the Tennessee state line, in the direction of Georgia and Alabama, reported the same with an amendment; Which being twice read was concurred in.

Ordered, That the said bill be engrossed and read a third time to-morrow.

Mr. J. Green from the committee appointed for that purpose, reported a bill concerning the circuit courts of Mercer and Casey counties; Which was read the first time and ordered to be read a second time.

Mr. Cockerill from the joint committee of enrollments, reported, that the committee had examined an enrolled resolution for appointing a joint committee to examine the charges preferred against J. H. Holoeman public printer; and had found the same truly enrolled, and that the Speaker of the House of Representatives had signed the same.

Whereupon the Speaker of the Senate affixed his signature thereto, and it was delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time Mr. Cockerill reported that the committee had performed that duty.

Mr. Hardin moved that the select committee to whom was referred, a bill to fix the ratio and apportion the representation for the ensuing four years, be discharged from the further consideration thereof.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Lockett and Crutcher, were as follows, to-wit:


Messages were received from the House of Representatives, announcing the passage of bills of the following titles, to-wit:

An act allowing an additional justice of the peace in Todd county.

An act to legalize the proceedings of the trustees of the towns of Russellville and Madisonville.

An act to allow an additional constable to the county of Anderson, and for other purposes.

An act to change the boundary line of the town of Henderson. And,
An act allowing the further time of one year for completing the Louisville and Portland canal.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the Commonwealth, Mr. Slaughter in the chair; after some time spent therein, Mr. Speaker resumed the chair, and Mr. Slaughter reported, that the committee had, according to order, had under consideration, a bill to amend and reduce into one, the execution laws of this state, and had made further amendments thereto, but not having time to go through the same, had directed him to ask leave to sit again.

Which was granted.

And then the Senate adjourned.

SATURDAY, JANUARY 12, 1828.

The Senate assembled.

Mr. White presented the petition of sundry citizens of Shelby, Nelson, Spencer and Anderson counties, praying for the formation of a new county out of a part of each of said counties; And also a petition counter thereto. And,

Mr. Cockerill presented the petition of Stephen T. and Elizabeth Logan, praying that a law may pass authorizing them to convey a tract of land in Rockcastle county, which descended to them and four others, who are infants, from David Logan deceased, and which land has been sold by them for the benefit of the said heirs.

Which were received, read and referred; the two former to the committee of propositions and grievances and the latter to the committee of courts of justice.

Mr. Pope from the committee of courts of justice to whom was referred, a bill regulating the town of Salvisa, in the county of Mercer, reported the same with amendments;

Which being twice read were concurred in.

Ordered, That the said bill be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Daviess carry the said bill to the House of Representatives and request their concurrence.

Messages were received from the House of Representatives, announcing the passage of a bill which originated in the Senate, entitled, "an act changing the time of holding the Anderson and Laurel circuit courts and for other purposes."
Jan. 12.]

THE SENATE.

And the passage of a bill which originated in the House of Representatives of the following title, to-wit:

An act to establish a seminary of learning in Anderson county, and for other purposes.

Mr. Hardin from the committee of finance, made the following report, to-wit:

The committee of finance has had the petition of Constant A. Wilson under consideration, and report thereon.

Resolved, That the prayer of the petition ought not to be granted.

Which being twice read was concurred in.

Mr. Cockerill, from the committee of enrollments, reported, that the committee had examined an enrolled bill entitled, "an act to alter the time of holding the Anderson county courts, and for other purposes," and had found the same truly enrolled; and that it was signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and it was delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time Mr. Cockerill reported that the committee had performed that duty.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Wickliffe—1. A bill appropriating money to opening the state road from Prestonsburg to the Virginia state line.

By Mr. J. Hughes—2. A bill to authorize the draining of certain ponds in Jefferson county. And,

By Mr. Hardin—3. A bill for the benefit of the heirs of Newell Beauchamp deceased.

Which bills were severally read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the first, and second and third readings of the third bill having been dispensed with;

Ordered, That the first bill be engrossed and read a third time on Monday next,

Resolved, That the third bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Hardin carry the said bill to the House of Representatives and request their concurrence.

Mr. M'Connell from the select committee to whom was referred, a bill concerning conveyances, reported the same without amendment;

And the said bill was laid on the table.

A bill from the House of Representatives entitled, "an act for the benefit of John C. Rogers, sheriff of Ohio county," was read the first time and ordered to be read a second time.
And thereupon the rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. W. Green inform the House of Representatives thereof.

A bill from the House of Representatives entitled, "an act for the benefit of Jesse Jackson, sheriff of Muhlenburg county."

Was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was committed to a select committee of Messrs. Cunningham, Cockerill and McMillan.

Mr. Pope from the select committee to whom was referred, a bill to fix the ratio and apportion the representation for the ensuing four years, reported the same with amendments;

Which were twice read.

The first section of said bill is as follows, to-wit:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the ratio for the ensuing four years shall be eight hundred and thirty-four voters, for each representative, and the representation for that period shall be, and the same is hereby apportioned, among the several counties of this Commonwealth, for the House of Representatives, in the following manner, to-wit: "The counties of Hickman, Graves and M'Cracken one, Calloway one, Livingston one, Caldwell one, Trigg one, Christian one, Todd one, Logan two, Union and Henderson one, Hopkins one, Muhlenburg one, Butler and Edmonson one, Simpson one, Warren two, Allen one, Barren two, Monroe one, Cumberland one, Russell one, Adair one, Casey one, Daviess one, Ohio one, Breckinridge one, Grayson one, Hart one, Hardin and Meade two, Green two, Bullitt one, Jefferson three, Oldham one, Henry two, Shelby three, Spencer one, Nelson two, Anderson one, Washington three, Mercer three, Lincoln two, Pulaski one, Laurel and Whitley one, Garrard two, Madison three, Knox and Harlan one, Clay and Perry one, Woodford one, Pike and Floyd one, Lawrence and Morgan one, Greenup one, Mason two, Bracken one, Campbell one, Boone one, Gallatin one, Owen one, Franklin one, Scott two, Harrison two, Nicholas two, Bourbon three, Fayette three, Jessamine one, Clarke two, Estill one, Montgomery two, Bath one, Fleming two, Pendleton and Grant one."

The first amendment proposes to strike out the whole of said section after the word "to-wit," printed in italics, and to insert in lieu thereof the following, to-wit:

The counties of Pike and Floyd one, Lawrence one, Morgan
one, Bath one, Montgomery one, Greenup one, Lewis one, Fleming two, Mason two, Nicholas two, Bourbon two, Clarke two, Harrison two, Bracken one, Pendleton one, Campbell one, Boone one, Grant one, Gallatin one, Owen one, Franklin one, Scott two, Jessamine one, Fayette three, Woodford one, Estill one, Green two, Hart one, Edmonson one, Simpson one, Allen one, Warren one, Grayson one, Butler one, Logan one, Todd one, Trigg one, Christian one, Muhlenburg one, Hopkins one, Henry two, Jefferson three, Anderson one, Hardin two, Oldham one, Bullitt one, Nelson two, Spencer one, Shelby three, Meade one, Daviess one, Breckenridge one, Ohio one, Henderson one, Union one, Caldwell one, Livingston and McCracken one, Calloway, Hickman and Graves one, Barren two, Knox and Harlan one, Clay and Perry one, Whitley one, Madison two, Rockcastle one, Pulaski one, Garrard two, Lincoln one, Casey one, Cumberland one, Laurel three, Washington three, Wayne one, Russell one, Adair one and Monroe one.

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hardin and Lockett, were as follows, to-wit:


The second section of the said bill is as follows, to-wit:

Sec. 2. For the purpose of apportioning the representation in the Senate, this state shall be, and the same is hereby laid off into thirty-eight Senatorial districts as follows, to-wit: The counties of Gallatin, Grant and Pendleton shall compose the first; Franklin, Owen and Anderson the second; Boone and Campbell the third; Nicholas and Bracken the fourth; Mason the fifth; Fleming sixth; Bourbon seventh; Fayette eighth; Woodford and Jessamine ninth; Scott the tenth; Harrison the eleventh; Clarke twelfth; Montgomery and Estill the thirteenth; Floyd, Bath, Pike and Morgan fourteenth; Greenup, Lewis and Lawrence fifteenth; Breckenridge, Daviess and Ohio sixteenth; Grayson, Butler and Muhlenburg seventeenth; Hardin and Meade eighteenth; Jefferson and Bullitt nineteenth; Oldham and Henry twentieth; Shelby twenty-first; Nelson and Spencer twenty-second; Green and Hart twenty-third; Mercer twenty-fourth; Lincoln and Rockcastle twenty-fifth; Garrard twenty-sixth; Madison twenty-seventh; Pulaski, Wayne and Whitley twenty-

M
eighth; Knox, Harlan, Perry, Laurel and Clay twenty-ninth; Washington thirtieth; Casey, Adair and Russell thirty-first; Cumberland and Monroe thirty-second; Barren and Edmonson thirty-third; Warren and Allen thirty-fourth; Logan and Simpson thirty-fifth; Hopkins, Henderson and Union thirty-sixth; Hickman, Calloway, Graves, McCracken, Livingston and Caldwell thirty-seventh; Trigg, Christian and Todd thirty-eighth.

The second amendment proposes to strike out the whole of said section after the word "to-wit," printed in italics, and to insert in lieu thereof the following:

The counties of Perry, Floyd, Pike and Morgan shall compose the first; Bath and Montgomery the second; Estill and Clarke the third; Fayette the fourth; Woodford and Jessamine the fifth; Greenup, Lawrence and Lewis the sixth; Fleming the seventh; Mason the eighth; Bracken and Nicholas the ninth; Bourbon the tenth; Harrison the eleventh; Scott the twelfth; Gallatin, Grant and Pendleton the thirteenth; Campbell and Boone the fourteenth, Owen, Franklin and Anderson the fifteenth; Henry and Oldham the sixteenth; Shelby the seventeenth; Nelson and Spencer the eighteenth; Washington the nineteenth; Mercer the twentieth; Garrard the twenty-second; Madison the twenty-first; Garrard the twenty-second; Lincoln and Rockcastle the twenty-third; Pulaski and Wayne the twenty-fourth; Knox, Clay, Whitley, Harlan and Laurel the twenty-fifth; Adair, Russell and Casey the twenty-sixth; Green and Hart the twenty-seventh; Cumberland and Monroe the twenty-eighth; Allen and Warren the twenty-ninth; Logan and Simpson the thirtieth; Christian, Todd and Trigg the thirty-first; Caldwell, Livingston, Calloway, McCracken, Graves and Hickman the thirty-second; Henderson, Hopkins, Union and Muhlenburg the thirty-third; Daviess, Breckenridge and Meade the thirty-fourth; Ohio, Butler and Grayson the thirty-fifth; Barren and Edmonson the thirty-sixth; Hardin and Bullitt the thirty-seventh; Jefferson the thirty-eighth.

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hardin and Cockerill, were as follows, to-wit:

YEAS—Messrs. Allen, Dudley, Daniel, J. Hughes, A. S. Hughes, Harris, Maupin, Pope, Rodman, Selby and Wood—11.


On the motion of Mr. J. Green, the first section of the said bill was amended so as to give one representative to the county of Rockcastle.
Mr. Hardin moved to amend the said section so as to give the county of Washington two representatives instead of three.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Pope and Maupin, were as follows, to-wit:


Mr. Lockett moved to amend the said section so as to give the county of Henderson one representative.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Lockett and Carneal, were as follows, to-wit:


Mr. Maupin moved to amend the said section so as to give the county of Edmonson one representative.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Maupin and Carneal, were as follows, to-wit:


Mr. Beatty moved to amend the same so as to give the county of Pulaski two representatives.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Beatty and Maupin, were as follows, to-wit:

Mr. Harris moved to amend the same so as to give the county of Montgomery one representative instead of two, and to give the county of Morgan one.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Harris and Lockett, were as follows, to-wit:

YEAS—Messrs. Beatty, Cunningham, Carneal, Dudley, W. Green, Garrard, J. Hughes, Harris, Lockett, McConnell, Muldrow, Pope, Rodman and Selby—14.


Mr. Muldrow moved to amend the same so as to give the county of Clarke one representative instead of two, and to give the county of Woodford two.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Muldrow and Garrard, were as follows, to-wit:

YEAS—Messrs. Dudley, Given, J. Hughes, Maupin, Muldrow, Rodman and Summers—7.


Mr. Carneal moved to amend the said bill so as to give the county of Grant one representative.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Carneal and Gibson, were as follows, to-wit:


Mr. Carneal moved to amend the same so as to give the county of Nicholas one representative instead of two.
And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Carnell and A. S. Hughes, were as follows, to-wit:


**NAYS—** Messrs. Allen, Beatty, Cockerill, Daviess, Dudley, Daniel, Given, J. Hughes, A. S. Hughes, Harris, Lockett, Maupin, Muldrow, Pope, Rodman, Selby and Wood—17.

At half past six o’clock P. M. Mr. Daviess moved that the Senate do now adjourn.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Lockett and J. Hughes, were as follows, to-wit:

**YEAS—** Messrs. Allen, Daviess, Dudley, J. Hughes, Harris, Lockett, Maupin, Selby, Summers and Wood—10.


Mr. Cunningham moved to amend the said bill so as to give the county of Butler one representative.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cunningham and M’Connell, were as follows, to-wit:

**YEAS—** Messrs. Cockerill, Cunningham, Dudley, W. Green, Garrard, J. Hughes, Lockett, Maupin, M’Connell, Pope, Selby and Wood—12.


Mr. Muldrow moved to amend the same so as to give to the county of Madison two representatives, instead of three, and to give to the county of Woodford two.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Muldrow and J. Hughes, were as follows:

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Mr. A. S. Hughes moved to amend the same so as to give the county of Bourbon two representatives instead of three.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. A. S. Hughes and M'Connell, were as follows, to-wit:


NAYS—Messrs. Beatty, Cunningham, Crutcher, Carneal, Daviess, Daniel, Faulkner, Fleming, Green, W. Green, J. Green, Garrard, Gibson, Hardin, Hickman, Harris, M'Millen, Slaughter, Summers, Taylor, White and Wickliffe—22.

Mr. M'Connell moved to amend the said bill so as to give the county of Lawrence one representative.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. M'Connell and Harris, were as follows, to-wit:


Mr. Pope moved to amend the same so as to give the county of Meade one representative.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Pope and J. Green, were as follows, to-wit:


Mr. J. Hughes moved to amend the second section of said bill so that the counties of Bullitt, Hardin and Meade shall compose one senatorial district, and the county of Jefferson one, instead of
the counties of Hardin and Meade one, and Bullitt and Jefferson one.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. J. Hughes and Pope, were as follows, to wit:


Ordered, That the said bill be engrossed and read the third time on Monday next.

And then the Senate adjourned.

MONDAY, JANUARY 14, 1828.

The Senate assembled.

Mr. Lockett presented the petition of Samuel Woodson, clerk of the Hopkins county court, praying compensation for making out an additional copy of the commissioners' book, to enable the sheriff to collect the revenue of said county, in the year 1827.

Which was received, read and referred to the committee of finance.

The Speaker laid before the Senate the annual report of the President and Directors of the Louisville and Portland canal company, which was read as follows, viz:

Third annual report of the President and Directors of the Louisville and Portland canal company.

The President and Directors of the Louisville and Portland Canal company, having in the fulfillment of their duty to present to the Stockholders a statement of the proceedings of the board for the past year, now proceed to lay before them a statement of the accounts, and of the progress made in the prosecution of their undertaking.

It affords the board much satisfaction to state, that the three installments on the Stock of the company, called for the past year, have been punctually paid.

By the Treasurer's account it will be seen that the balance on hand on the 1st. January, 1827, was

\[ \$40,014.80 \]

There has been received from stockholders during the past year

\[ \$155,108.26 \]
And that he has paid the orders of the board during the same time, to the amount of $117,468.40

Leaving a balance of $67,640.46

Now in deposit in the branch of the bank of the United States in Louisville, to the credit of the Louisville and Portland canal company.

The orders drawn by the board were for the following objects, viz: Payments made weekly to the contractors on account of constructing the canal and providing materials for the same, $96,360.00

Advanced to them beyond the three fourths of the estimated value of work and materials, for which their notes have been taken, $14,000.00

Payments made for materials furnished, and services rendered on the canal, which were not included in the contract, $1,070.51

Incidental expenses, viz: postage, printing, Treasurer’s commissions, office charges, members of the board for services, &c. &c., $3,237.89

David S. Bates, on account of his salary as Engineer, $2,800.00

With a view to the future necessities of the navigation of the river, and for the purpose of making the work more substantial and permanent, some variations from the original plan have been suggested by the Engineer, and adopted by the board; these consist of an addition of twenty feet to the length of the line of Locks, the substitution of stone mitre sills in lieu of wood, laying the foundations of the Locks deeper than was originally contemplated, a chamber of forty feet between the Guard Lock and upper Lift Lock, and a base of mason work for the foundation of the pavement. These alterations, with other causes not foreseen, rendering it probable that a larger sum would be required for the completion of the work than was previously expected, the board determined to dispose of part of the forfeited shares, when they should be applied for, without offering them in the market, and having had such an application, three hundred shares have been sold, making the number of shares now disposed of 4,070, and leaving in the hands of the company 1,330 shares, to be retained by them, or disposed of, as the future exigencies of the company may require.

Contrary to the expectations of the board, as expressed in their last report, the work has not approximated towards its final ter-
The causes of its delay could not be foreseen, or guarded against by the board, or the contractors. Shortly after the date of the last report, the most intense winter commenced that has ever been known in this section of country, which was succeeded by wet weather and high water; in consequence of which, the work was nearly suspended until the month of April. Large quantities of rain fell during the spring and summer, by which it was not infrequent that the excavations of one week, were washed into the canal by the rains of the succeeding week; the protracted period of high water in the Ohio, kept the workmen from the rock excavation until August, while the unprecedented quantity of rain in the autumn covered it again in October; in a word, a year so unfavorable for the prosecution of such a work has seldom or ever been known. In addition to the difficulties on account of the weather, the contractors have laboured under that of inability to procure men; the extensive canals now constructing in the states of Ohio and Pennsylvania, employ all that were expected from that direction, and the inefficiency of the white laborers of this vicinity, was such as to add but little to the force previously provided by them. The small number of blacks employed the last season has fully convinced the contractors, that the best source to be relied on for laborers, is in the employment of negroes. Laborers have been deterred from engaging in this work from the widely and industriously circulated reports of the unhealthiness of the job; this objection it is confidently believed, will be obviated the approaching season, as the experience of two years has proved, that no men have enjoyed better health in general, than those employed on this canal; a few cases of sickness, among the men employed in removing the decayed vegetable matter deposited by the freshets of the last spring in the pit excavated in the rock near the upper end of the line, are the only exceptions to this remark. From the foregoing, and other causes, the force which the contractors have been enabled to procure the past year, has been much less than it was the previous season.

It has also been found that the quantity of excavation already performed, added to what remains to be done, exceeds the original estimate on which the contract was made, by about 50,000 yards of earth, and some additional rock; the estimates of work performed up to the close of 1826, and during the first part of the past year, had been much overrated, which by a more rigid system introduced by the board, has now been corrected, and it is believed that every necessary precaution has been adopted to keep the estimates within the amount of work performed and of materials furnished.

The present state of the work, according to the corrected report of the Engineers, is as follows:
Total quantity of earth excavation, estimated 687,000 cubic yards.

Of which there was reported to have been done previous to January 1, 1827, 483,134 " "
And from that time to this date there has been done 78,658 " "

Total amount of earth excavated, 561,792 " "

Leaving the amount of earth to be excavated, 125,208 " "

Whole amount of rock excavation, estimated, 131,000 " "

Of which there had been done previous to January 1, 1827, 10,139 " "
And during the year 1827, there has been excavated, 7,825 " "

Total amount of rock excavated, 17,964 " "

Leaving the amount of rock to be excavated, 113,036 " "

Estimated quantity of stone masonry, about 51,288 perches.

Of which there has been laid the past year, 14,788 perches in guard lock, and 1,500 in culverts, making together 16,288 perches.

Leaving to be performed, about 35,000 perches.

A large proportion of the rock excavation performed during the past year, was of the most difficult and expensive kind, being in the lock pits. Notwithstanding the lateness of the season at which the work was commenced on the locks, its progress has been satisfactory; the walls of the guard lock have been raised to about 30 feet in height, and 14,788 perches of stone have been laid therein; no work can be better done than the mason work of this lock, which, for strength, durability or architectural beauty, cannot be surpassed. All the stone which will be required, has been quarried and faced, and a great portion of it delivered.

Three culverts, containing about 1,500 perches of mason work, have been constructed for draining the water from behind the banks, the work of which is solid and well executed.

By the reports and estimates of the Engineers, it appears that the whole amount of work performed and materials furnished by
the contractors, is $173,816 41, to which is added the sum of
34,927 50, invested in materials for carrying on the work, such
as iron, lumber, steam boat, four keel boats, a steam mill for
grinding lime, lime kilns, pumps, cattle, horses, carts, wagons,
tools of all kinds, machinery, &c. &c. from which it appears
that the sum of $208,743 91, is now invested in the work, of
which the sum of $176,239 56, has been paid to the Contractors.

With respect to the future progress of the work, the board
are assured by the contractors, that such measures have been
adopted as will enable them to complete it during the next sea-
son, unless prevented by some unforeseen misfortune. These
assurances, the board have no reason to doubt, as a large force
of slaves has been engaged, and various preparations for facilita-
ting different portions of the labor have been made, by means of
which the progress of the work is expected to be much more ra-
pid during the next season, than at any previous period.

The precaution adopted, and the judicious arrangements
which experience has taught them to make, together with the
large amount of funds invested in the work by the contractors,
are sufficient pledges that the progress of the approaching sea-
son will be satisfactory.

For the purpose of enabling the stockholders to form an esti-
mate of the present, and probable future importance of this
work, there is subjoined hereto an abstract of the arrivals of
steam boats at Shippingport, with the amount of their tonnage,
during the three past years, exhibiting an increase of the com-
merce of the Ohio, equal, if not superior to the most sanguine
calculations that were made previous to the commencement of
the canal. It is, however, proper to remark, that the year 1827
having been peculiarly favorable to steam boat navigation, the
increase has been greater during that year than is to be expected
in the ordinary course of events.

EDWD. SHIPPEN, President.
JAMES HUGHES,
N. BERTHOUD,
JNO. P. FOOTE,
SIMEON S. GOODWIN,

Office of the Louisville and Portland Canal Company,

At a meeting of the Stockholders of the Louisville and Port-
land canal company, at their office in Louisville, Ky., January 7th,
1828, the report of the President and Directors was received,
ordered to be recorded, and one hundred and twenty copies to be
printed for the use of the stockholders.
The following persons were then elected President and Directors for the present year:

NICHOLAS BERTHOUD, President.
EDWARD SHIPPEN,
JAMES HUGHES,
JOHN P. FOOTE,
SIMEON S. GOODWIN,
COLEMAN ROGERS, Chairman.

(Extract from the Minutes.)

S. S. GOODWIN, Secretary.

Abstract of arrivals at Shippingport from below, during the year 1827.
Total number of steam boats employed 62—total tonnage, 10,997.

<table>
<thead>
<tr>
<th>Arrived from</th>
<th>S. Boats.</th>
<th>Tonnage.</th>
<th>Trips.</th>
<th>Total tonnage.</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Orleans</td>
<td>29</td>
<td>3,585</td>
<td>122</td>
<td>34,989</td>
</tr>
<tr>
<td>Nashville</td>
<td>16</td>
<td>1,847</td>
<td>33</td>
<td>3,318</td>
</tr>
<tr>
<td>Florence</td>
<td>8</td>
<td>740</td>
<td>25</td>
<td>2,310</td>
</tr>
<tr>
<td>St. Louis</td>
<td>14</td>
<td>1,380</td>
<td>69</td>
<td>6,740</td>
</tr>
<tr>
<td>Trinity</td>
<td>3</td>
<td>297</td>
<td>13</td>
<td>1,047</td>
</tr>
<tr>
<td>Terre Haute</td>
<td>3</td>
<td>140</td>
<td>4</td>
<td>170</td>
</tr>
<tr>
<td>Franklin, Mo.</td>
<td>1</td>
<td>225</td>
<td>1</td>
<td>225</td>
</tr>
</tbody>
</table>

Arrivals in 1826: 51 | 9,338 | 182 | 28,944
Arrivals in 1825: 42 | 7,484 | 140 | 24,964

The increase of flat and keel boats is supposed to be about in proportion to that of steam boats, but of these it is impossible to obtain correct lists. The number of departures from Shippingport annually, is greater than that of arrivals, in consequence of the number of new boats that pass down, and are employed in the trade of the lower country.

The increase of steam boat navigation above the falls is about in the same proportion as that below.

The said report was referred to the committee of internal improvements.

The Speaker laid before the Senate, a communication from the Treasurer and Register, which was read as follows, to-wit:

FRANKFORT, JANUARY 14, 1828.

HON. ROBERT B. M'AFEE.

SIR—We have received a resolution from the Senate, of the 31st ultimo, requesting the Auditor, Register and Treasurer, to inform the Senate, (from the best means or information in their power,) the real, as well as the nominal balance of the debt due.
the Commonwealth from the headright and Tellico settlers. The undersigned, Register and Treasurer, would respectfully state, that there are no means in either of their offices, which would enable them to give the information requested; the accounts of debtors to the Commonwealth, are exclusively kept in the Auditor's office. You will please lay this communication before the Senate.

Respectfully yours,

JAMES DAVIDSON, Treasurer,
JNO. M. FOSTER, Register.

Mr. Cockerill, from the committee of enrollments, reported, that the committee had examined enrolled bills of the following titles, to-wit:

An act to legalize the proceedings of the Grant county court, at an extra term of said court.

An act for the benefit of John C. Rogers sheriff of Ohio county.

And an act to change the time of holding the Anderson and Laurel circuit courts, and for other purposes.

And had found the same truly enrolled, and that said bills were signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time Mr. Cockerill reported that the committee had performed that duty.

Messages were received from the House of Representatives, announcing the passage of bills and a resolution of the following titles, to-wit:

An act to establish election precincts in certain counties.

An act for the benefit of Thomas M. Smith, and to authorize the trustees of the Simpson county seminary to sell her donation lands.

An act to alter the time of holding the Hart circuit court, and to extend the term of the Todd circuit court.

An act to extend the town of Joesville at the mouth of Clover creek in Breckenridge county, and for other purposes.

An act concerning Floyd's fork.

A resolution fixing on a day for the election of public officers.

An act to incorporate the city of Louisville.

An act for the benefit of the heirs of William Parker deceased.

An act authorizing circuit courts to decree the sale of slaves in certain cases. And,

An act further to regulate the town of Shepherdsville.

And that the House of Representatives have received official information that the Governor, on the 11th instant, approved and signed enrolled bills which originated in that House of the following titles, to-wit:
An act to amend the several laws establishing the town of Covington.

An act for the benefit of the Southern College and Lancaster Seminary.

An act to divorce Sally Cole, from her husband James Cole.

An act further to regulate the powers of the trustees of the town of Mount Vernon in Bullitt county, and for other purposes.

An act for the benefit of Thomas Smith and others.

An act making a chancery term to the Montgomery circuit court.

An act for the benefit of David Morgan.

An act to authorize the trustees of the Hart county Seminary to sell their donation lands.

An act for the benefit of Jesse Bailey, Ephraim Blackford and others.

An act to regulate the sale of the land west of the Tennessee river.

An act to authorize the trustees of the Trigg county Seminary to sell and convey her donation lands.

And a resolution of the following title:

A resolution for appointing committees to examine the Auditor’s office for the years 1825 and 1826.

An engrossed bill entitled, an act to fix the ratio and apportion the representation for the ensuing four years, was read the third time.

Mr. Maupin moved to lay the said bill on the table until the first day of June next.

The question having been stated by the Speaker and discussed, Mr. Maupin asked leave to withdraw the said motion;

And the question being taken on giving leave to withdraw the motion, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Maupin and Muldrow, were as follows, viz:


The question was then taken on laying the said bill on the table until the first day of June next, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Maupin and Carneal, were as follows, viz:


Mr. A. S. Hughes moved to re-commit the said bill to a select committee.

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. A. S. Hughes and Maupin, were as follows, viz:


The question was then taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. A. S. Hughes and Hardin, were as follows, to-wit:


Ordered, That Mr. Hardin carry the said bill to the House of Representatives, and request their concurrence.

And then the Senate adjourned.

TUESDAY, JANUARY 15, 1828.

The Senate assembled.

Mr. Harris from the committee appointed for that purpose, reported a bill for the benefit of the heirs of John Hackworth, deceased.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second reading of the said bill, having been dispensed with, it was committed to the committee for courts of justice.

Mr. M'Millan from the select committee to whom was referred, a bill from the House of Representatives entitled, "an act for
the benefit of Jesse Jackson sheriff of Muhlenburg county," reported the same with an amendment;

Which being twice read was concurred in.

Ordered, That the said bill, as amended, be read a third time.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Garrard—1. A bill to authorize the county court of Knox to record certain papers. And,

On the motion of Mr. Slaughter—2. A bill to authorize the county court of Logan to appoint commissioners to settle with Spencer Curd, as commissioner appointed by law to sell a part of the real estate of Nathaniel Drake, deceased.

Messrs. Garrard, Beatty and J. Green were appointed a committee to prepare and bring in the former, and Messrs. Slaughter, Cockerill and Pope the latter bill.

Mr. Beatty moved the following resolution, to-wit:

Resolved by the Senate, That the committee on internal improvements be instructed to enquire into the expediency of appropriating a portion of the vacant lands, lying between Walker's line and the true chartered line, in the state of Tennessee, to opening and improving a road leading from Somerset in Putnam county, by the Pine Knob tavern, to meet the Tennessee state road, leading from Knoxville in Tennessee, to the state of Kentucky, at or near James Chitwood's, Sen: also, to the opening and improving the road, leading from Columbia, in Adair county, by Jamestown in Russell county, by Monticello in Wayne county, thence to intersect the above road, at or near the aforesaid James Chitwood's, Sen: also, to the improving Mulrow's hill on the road leading from Lexington by Lebanon, to Nashville, and on the road leading from Louisville to Bowling green, and the road leading from Monticello, through Stogdon's valley in Cumberland county, to meet the road leading from Alabama and Georgia.

Which being twice read, was adopted.

Mr. Hickman moved the following resolution, to-wit:

Resolved, That the committee of courts of justice, enquire whether any change be necessary, in the laws authorizing clerks of courts and other officers, to list their fee bills with the sheriff for collection.

Which being twice read, was adopted.

A message from the House of Representatives by Mr. Hazle rigg:

Mr. Speaker—The House of Representatives have passed a bill entitled, an act for the benefit of John Cooper, in which they request the concurrence of the Senate.

And then he withdrew.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House, on the state of the
Commonwealth, Mr. Slaughter in the chair; after some time spent therein, the Speaker resumed the chair, and Mr. Slaughter reported, that the committee had, according to order, again had under consideration the bill to amend and reduce into one, the execution laws of this state, and had made further amendments thereto, but not having time to go through the same, had directed him to ask leave to sit again.
Which was granted.
And then the Senate adjourned.

WEDNESDAY, JANUARY 16, 1828.

The Senate assembled.
Mr. Pope from the committee of courts of justice, made the following report, to-wit:
The committee of courts of justice have, according to order, had under consideration sundry petitions and resolutions read and laid on the table by Mr. Harris, on the third instant, in relation to real estate purchased by the Bank of the Commonwealth, to them referred, and have come to the following resolutions thereupon, to-wit:
Resolved, That the petition of Elizabeth and Stephen T. Logan, be rejected.
Resolved, That the petition of John C. Cozine and Abraham B. Stagg, a committee for Mary and Margaret Banta, two idiots, be rejected.
Resolved, That the petition of Mary Craig, be rejected.
Resolved, That the petition of sundry citizens of the county of Jefferson, praying that an additional justice of the peace may be added to Jefferson county, be rejected.
Resolved, That the resolutions offered by Mr. Harris on the third instant, ought not to be adopted. Your committee being of opinion, that the powers of the Bank are competent for all the purposes contemplated by the said resolutions.
Which being twice read was concurred in.
Mr. Pope from the same committee to whom was referred, a bill to continue in force, the law providing for the appointment of Commonwealth’s attorneys, and a bill for the benefit of the surveyor of Hopkins county, reported the same with amendments.
Which being twice read, were concurred in;
Ordered, That the said bills be engrossed and read a third time.
And thereupon the rule of the Senate, constitutional provision, and third reading of the said bills having been dispensed with, and the same being engrossed;
Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.
Ordered, That Mr. Leckett carry the said bills to the House of Representatives and request their concurrence.

Mr. Pope from the same committee, to whom was referred, a bill from the House of Representatives entitled, "an act for the benefit of the executors of John Hudson deceased," reported the same with the following resolution:

Resolved, That the said bill ought not to pass.
Which being twice read was concurred in, and so the said bill was disagreed to.

Ordered, That Mr. Carneal inform the House of Representatives thereof.

Mr. Pope from the same committee, to whom was referred, a bill to repeal parts of an act approved January 7, 1824, entitled, "an act to revive and amend the champerty laws, and more effectually to secure the bona fide occupants of land within this Commonwealth," reported the same without amendment, and the said bill was laid on the table.

Messages were received from the House of Representatives, announcing the passage of the following bills, to-wit:

An act for the benefit of the heirs of Tobias Moredock.
An act for the benefit of the Hart county seminary.
An act to add a part of Gallatin county to the county of Owen.
An act for the benefit of the sheriff of Scott county.
An act to authorize the administrators of William C. Davis deceased, to carry into execution a parol contract, made by said Davis in his lifetime, with Edward S. Hall, for five or six acres of land.
An act to open a state road from Elizabethtown, by way of Litchfield, Hartford and Madisonville, to Princeton in Caldwell county. And,
An act to establish an inspection of Tobacco at Raleigh in Union county.

The Senate, according to the standing order of the day, resolved itself into a committee of whole House on the state of the Commonwealth, Mr. Slaughter in the chair; after some time spent therein, Mr. Speaker resumed the chair, and Mr. Slaughter reported that the committee had, according to order, had under consideration a bill to amend and reduce into one, the execution laws of this state, and had gone through the same, and made sundry amendments thereto, which he handed in at the clerk's table, and they were twice read.

One of the said amendments proposes to add to the bill the following, as an additional section, to-wit:

Sec. 47. When estate, real, personal or mixed, is held or covered by mortgage, deed of trust or other incumbrance, all the right, title and interests, legal or equitable, which the mortgagor or grantor has in said estate, shall be subject to be levied upon
and sold by execution, in the same manner as such property might have been sold, if no such incumbrance had existed, and the purchaser shall take it, subject to such incumbrance, and may pay off and discharge such incumbrance, and thereby perfect his title thereto, in the same manner as the grantor, mortgagor or other person having an equity of redemption therein, might do. 

Provided however, That when such property shall be real estate, then the mortgagor or grantor, shall have the right to redeem the same within the year, but if the purchaser under execution shall have paid off and redeemed the real estate from such incumbrance, then the grantor or mortgagor shall also repay and refund the amount properly paid by such execution purchaser, in discharge of such incumbrance, within the same time, and payable in the same manner as the purchase money is by this act made payable. 

Provided however, That the purchaser or purchasers of any such mortgaged property, shall, before he takes possession of the property, give bond and security, that he will not within twelve months, sell or remove the property out of the state, but that he will, during that time, have the property at all times forthcoming, unavoidable accidents excepted, to any order or decree of any court of competent jurisdiction: And provided also, That at any time when any such sale shall be made, the courts of equity shall have full power to control the estate mortgaged, whether the mortgage be forfeited or not, and to make all proper and necessary orders for its preservation and forthcoming; which bond shall be taken by the sheriff or officer making the sale, and be in a penalty of at least the value of the property sold, and payable to the Commonwealth; and may be prosecuted and sued on by any person or persons injured by a breach of the condition thereof, until the whole penalty shall be recovered.

And the question being taken on concurring in the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Daviess and Hardin, were as follows, to-wit:


The residue of the said amendments were concurred in.

A part of the sixteenth section of the said bill is as follows, viz:

Sec. 16. No [writ of capias ad satisfaciendum shall issue against any defendant, until after the third day of the next ensuing term of the court at which judgment shall have been rendered, in case of original judgment, nor until after the third day of the second
term of the circuit court, after the expiration of a replevin, or
forthcoming bond, or forfeiture of recognizance taken in the
clerk's office, or other writing, having the force of a judgment;
nor until after the return of a fieri facias made by the officer of
that county in which the defendant, who is to be arrested by such
e. sa. shall reside, if he be a house keeper and have a known
place of residence, "no property found, &c." Nor shall it be law-
ful for a e. sa. at any other time, to be executed upon any defen-
dant or defendants who shall have made] out a true, full and
complete schedule of all goods and chattels, rights and credits,
lands, tenements and hereditaments, to him in part or in whole
belonging, including and embracing all monies, bank notes, choses
in action, legal or equitable, claims to land or other thing, and
also all those rights in reversion or remainder, and whatever else
may be of any value whatever, except the property which may
be exempt from execution, and shall have filed the same in court,
or in the clerk's office, and shall have attached thereto an affida-
vit to the following effect, to-wit: I, A B do &c."

Mr. Daviess moved to amend the said section by striking out
so much as is included in brackets, and to insert in lieu thereof
the following, to-wit:

No copias ad satisfacientum shall issue upon any judgment here-
after obtained, except it be in the following cases, to-wit; actions
of trespass vi et armis, (other than actions of ejectment) actions
upon the case for words spoken or written, and actions for seduc-
tion, in which cases the plaintiff or plaintiffs may sue out a copias ad satisfacientum, under the following rules and regulations,
to-wit: If upon the sheriff or other officers levy a writ of e. sa.
upon any defendant or defendants, said defendant or defendants
shall fail or refuse to make—

Mr. Daviess moved to lay the said bill and amendment on the

And the question being taken thereon, it was decided in the
negative.

The yeas and nays being required thereon, by Messrs. Maupin
and Crutcher, were as follows, to-wit:

YEAS—Messrs. Beatty, Barrett, Cockerill, Carmel, Daviess,
Dudley, Daniel, J. Hughes, A. S. Hughes, Harris, Rodman and
Wood—12.

NAYS—Messrs. Allen, Cunningham, Crutcher, Faulkner,
Fleming, W. Green, J. Green, Garrard, Gibson, Hardin, Hick-
man, Lockett, Maupin, M'Connell, M'Millan, Muldrow, Pope,
Selby, Slangter, Summers, Smith, Taylor, White, Woods and
Wickliffe—25.

Mr. Wickliffe moved to lay the same on the table until the first
day of June next.
And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Crutcher and Wickliffe, were as follows, to-wit:


Mr. Wickliffe then moved a division of the question on the motion made by Mr. Daviess to amend the sixteenth section of said bill;

And the question was taken on striking out that part of said section, included in brackets, and it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Gibson and Daviess, were as follows, to-wit:


Mr. Carneal moved to amend said bill, by adding thereto the following section:

"The provisions of this act so far as regards the capias ad satisfaciendum, shall not be applied or carried into effect, before the first day of February, 1829."

And the question being taken on adopting the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Carneal and Daviess, were as follows, to-wit:


On the motion of Mr. Hardin the last mentioned vote was reconsidered.

The question was again taken on adopting the said amendment, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Carneal and Cockerill, were as follows, to-wit:
The question was then taken on engrossing the said bill, and reading it a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Green and Gibson, were as follows, to wit:


NAYS—Messrs. Faulkner and Garrard—2.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed;

The question was then taken on the passage thereof, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gibson and Beatty, were as follows, to wit:


Resolved, That the title of the said bill be as aforesaid.

Ordered, That Mr. McConnell carry the said bill to the House of Representatives and request their concurrence.

A bill from the House of Representatives entitled, an act for the benefit of the sheriff of Scott county, was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Smith inform the House of Representatives thereof.

The Speaker laid before the Senate, a report from the Auditor of public accounts, which is as follows, viz:
THE SENATE.

STATE OF KENTUCKY, AUDITOR'S OFFICE, January 14th, 1828.

Dear Sir—By resolution of the Senate, dated the 31st day of December, 1827, "the Auditor, Register and Treasurer, are requested to inform the Senate (from the best means or information within their power) the real, as well as the nominal balance of the debt due the Commonwealth, from the Headright and Tellico settlers."

The Auditor offers the following remarks for the consideration of the Senate: first, that the history of those claims is so multifarious and complex in its nature, that it would require more skill and leisure, to dive into all its minutiae, than has fallen to the lot of any of my predecessors in office, for twenty years back. It embraces a scope of legislation, of at least 30 years, in which, not one session of that period has passed by, without some interference on the part of the Legislature to extend relief, either to individual claimants, or to the whole class of claims under that head: consequently, the auditor would be obliged to examine the rolls from 1797, down to the present time, to ascertain what portion of the debt had been remitted to poor widows and orphans, and to others who were considered fit objects of Legislative munificence. Those all passed through their intermediate stages to the obtention of a grant, without being noticed on the books of this office. Secondly, numerous certificates were granted by the several county courts, who were by law entrusted with that part of the business in relation to those claims, without the necessary precaution of ascertaining whether the applicants were actual settlers upon the land, and consequently, when they attempted to have them surveyed, there was no land to be found, corresponding with their locations, and of course they were either abandoned, or merely made for purposes of speculation. Thirdly, others had their certificates surveyed upon military and other claims derived from the laws of Virginia, and in a vast number of instances have been evicted. Those cases were provided for, by the Legislature of 1802, so as to be allowed by the treasurer, the amount of whatever they had previously paid by way of credit for any other lands, that such person might, at the time have, or afterwards acquire. See act of Assembly, approved 21st December, 1802. This act, or rather the principal recognized therein, was afterwards variously modified; and ultimately it became a heavy burden upon the treasury, in the nature of drawbacks on vacant lands, and thousands of dollars have been refunded to the settlers in that way. Fourthly, at the time the auditor last calculated the amount of the debt due aforesaid, gave a different construction to the act of 1825, from that which was given by the Legislature at their last session: consequently, it would require a considerable time to raise the former calcula-
tion to make it correspond with the explanation given as above-said. My predecessors in office never kept a record of their reports to the Legislature; consequently, the amount that has been paid out under the head of drawbacks on vacant lands, can only be found embodied in the Journals, and this office has not now a regular set, and it is believed it would be difficult to find a complete set in any of the offices. It would consequently take much time to extract the different items from the books in this office, since the year 1809, at which time those claims became regular subjects of finance. But the Auditor supposing that the Senate only wanted an expression of opinion on the subject drawn from all the sources of information under his control, has thought proper to give to the Senate that opinion accompanied with his reasons, and the subjoined tables which shews the data from which that opinion has been drawn. All which are respectfully submitted by,

Your ob't. servant,

PORTER CLAY, Amt.

ROBERT B. M'AFEE, Esq. Lieut. Gov. and Speaker of the Senate.

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<th>By whom granted</th>
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See Journals of Senate, 1826, pages 37 and 38.

In making my report to the Legislature at their last session, it will be remembered, that upon all claims which payments had partially been made, they were estimated at the rate in which they were paid, and whatever balance remained, the holder of the certificate was required to pay at the rate of $10 per 100 acres: but by the act of the Legislature, passed at their last session, explanatory of the act of 1825, the auditors' exposition of that law was superceded by giving the claimant the benefit of all partial payments at the rate of $10 per 100 acres; yet so as not to permit the party to draw money from the treasury, in the event of the payments exceeding the amount claimed by the government: consequently, that class of claims will be materially affected in the following estimate, and no others:
Those claims upon which nothing has been paid, has not been affected by the exposition above mentioned, and it is believed that they have either been abandoned by their holders as being worthless, or they have fallen under some one or other of those described in my subjoined remarks: and consequently, will not form any portion of the supposed debt actually due. They on the 10th October, 1826, amounted in the aggregate to $194,566.30.

This taken from the total, leaves claims partially paid on the 10th October, 1826, $72,082.70.

It is believed that this amount has been lessened by the exposition above cited, at least one half, $36,041.35.

This amount must necessarily be reduced by those claims heretofore mentioned as being lost by military and other titles derived from the laws of Virginia, and for which the parties have been reimbursed by way of drawbacks, say $15,000 which I consider a moderate estimate leaving, $21,041.35.

There has been paid into the treasury since the 10th day of October, 1826, up to the 1st day of this month, $4,551.01 which deducted from the last mentioned sum, will leave a debt yet due and unpaid of $16,490.54.

I would also suggest it as my belief that the amount in the 2d and 4th columns in the above table, may also be deducted from the last mentioned sum, for this reason, that few or no certificates have been asked for by that denomination of claimants for the last year or two. These together make $10,030.87 which taken from the last mentioned sum, leaves a balance of $6,339.47.

PORTER CLAY, Aud't.

The Speaker laid before the Senate the report of the cashier of the bank of the Commonwealth of Kentucky, made in pursuance of resolutions of the Senate, made by Mr. Beatty, and adopted on the 29th ultimo.

Mr. Dudley moved the following resolution, viz: Resolved, That the public printer be requested to exhibit his account in detail, against the government, that the same may be examined previous to going into the election.

Which was twice read.

And then the Senate adjourned.
The Senate assembled.

Mr. Harris from the majority on the vote given yesterday, by which an engrossed bill entitled, an act to amend and reduce into one, the execution laws of this state, was passed, moved a reconsideration thereof.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Harris and Beatty, were as follows, to-wit:


On the motion of Messrs. Harris and Beatty, leave was given them to change their votes on the passage of the said bill, from the affirmative to the negative.

The report of the Cashier of the Bank of the Commonwealth of Kentucky, laid before the Senate yesterday, was committed to a select committee of Messrs. Beatty, Fleming, Dudley, Harris and Muldrow.

The report made by Mr. Wickliffe, from the committee of internal improvements, on the 7th instant, was taken up and committed to a committee of the whole house, on the state of the Commonwealth, for today.

Thereupon the Senate resolved itself into a committee of the whole house, Mr. Faulkner in the chair; after some time spent therein, Mr. Speaker resumed the chair, when Mr. Faulkner reported, that the committee had, according to order, had under consideration the said report of the committee on internal improvements, and had made some progress therein, but not having time to go through the same had directed him to ask leave to sit again.

Which was granted.

An engrossed bill entitled, an act concerning infants estate derived by will, was read the third time as follows, to-wit:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the real estate of any infant or infants, who may be possessed of, or entitled to, the same in law or equity, either in possession or remainder, within this Commonwealth, derived to such infant or infants by will, may be sold by order or decree of a court of chancery, upon the application of the guar-
dian or guardians of such infant or infants, in the same manner and under the same rules, regulations and restrictions, as are prescribed and provided by law, relative to the real estate of an infant or infants, derived to such infant or infants by descent; unless a sale of such real estate is prohibited by the will, under which such infant or infants claim.

Sec. 2. Be it further enacted, That this act shall not apply to any real estate now held by infants, derived to them by will.

And the question being taken on the passage thereof, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Hickman and J. Green, were as follows, to-wit:


A bill from the House of Representatives entitled, "an act to authorize the inhabitants of the town of Brownsville, in the county of Edmonson, to elect trustees."

Was read the second time, amended, and ordered to be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Cockerill inform the House of Representatives thereof, and request their concurrence in the said amendment.

A bill from the House of Representatives, entitled, "an act to amend an act entitled, an act to encourage the establishment of private schools," was read the second time.

Mr. Mc McConnell moved to commit the said bill to a select committee.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Carneal, were as follows:


NAYS—Messrs. Allen, Cockerill, Cunningham, Crutcher, Carneal, W. Green, J. Green, J. Hughes, A. S. Hughes, Harris, Maupin, M. Millan, Selby, Slaughter, Woods and Wickliffe—16.
Messrs. McOonnell, Wickliffe, Muldrow, and Hardin were appointed said committee.

A bill concerning the Bank of Kentucky, was read the second time and committed to a select committee of Messrs. Taylor, Wickliffe, J. Green, Dudley, Pope, and Allen.

A message was received from the House of Representatives, announcing the passage of a bill entitled, "an act establishing an additional precinct in Campbell county.

A bill from the House of Representatives, entitled, "an act for the benefit of David and Elizabeth E. Jones," was read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was ordered to be read a third time.

Mr. Daviess moved to dispense with the rule of the Senate, constitutional provision, and third reading of the said bill.

And the question being taken thereon, it was decided in the negative.

Mr. Carneal from the majority on the last vote, moved a reconsideration thereof.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Carneal, were as follows, to-wit:


The question was then taken on dispensing with the rule of the Senate, constitutional provision, and third reading of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Carneal, were as follows, to-wit:


The question was then taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Carneal, were as follows, to-wit:


Resolved, That the title of said bill be as aforesaid.

Ordered, That Mr. Daviea inform the House of Representatives thereof.

A bill permitting individuals to erect gates across public roads under certain restrictions, was read a second time, and ordered to be engrossed and read a third time.

And thereupon the rule of the House, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed:

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Faulkner carry the said bill to the House of Representatives and request their concurrence.

A bill to provide for changing the venue in the case of Alexander Gowings and wife, was read the second time and ordered to be engrossed and read a third time to-morrow.

A bill the more effectually to guard the seventh section of the tenth article of the constitution from violation, was read the second time and ordered to be engrossed and read a third time to-morrow.

And then the Senate adjourned.

FRIDAY, JANUARY 18, 1828.

The Senate assembled.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By Mr. M'Millan—1. A bill for the benefit of D. Trabue and others.

By Mr. A. S. Hughes—2. A bill to amend an act entitled, "an act to incorporate the Maysville and Lexington turnpike road company," approved 22d January 1827.

By Mr. Selby—3. An act to amend an act entitled, "an act to incorporate Jamestown in Russell county, and for other purposes," approved January 23, 1827.

By Mr. M'Millan—4. A bill to amend the penal laws. And,

By Mr. Muldrow—5. A bill providing for the appointment of an engineer to survey the Kentucky river.

Which bills were severally read the first time and ordered to be read a second time.
And thereupon the rule of the Senate, constitutional provision, and second reading of the first and fifth bills and the second and third readings of the third bill having been dispensed with, and the third bill being engrossed; the first was committed to a select committee of Messrs. Garrard, Selby, Beatty and Woods and the fifth to a select committee of Messrs. A. S. Hughes, Wickliffe, Muldrow, Beatty and Allen.

Resolved, That the third bill do pass, and that the title be amended by adding thereto, "and to allow an additional justice of the peace to Casey county."

Ordered, That Mr. Selby carry the said bill to the House of Representatives and request their concurrence.

A resolution read and laid on the table by Mr. Faulkner, on the 4th instant, for the adjournment of the General Assembly sine die, was taken up, twice read and amended by striking out "Friday the 18th instanti."

Mr. Wickliffe moved to lay the same on the table; and the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Cockerill and Faulkner, were as follows, to-wit:


A resolution from the House of Representatives, fixing a day for the election of public officers, was twice read as follows, to-wit:

IN THE HOUSE OF REPRESENTATIVES,

January 12, 1826.

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, by a joint vote of both Houses, on Friday the 18th of this instant, proceed to elect a Treasurer, Public Printer, a President and Directors of the Bank of Kentucky, and a President and Directors of the Bank of the Commonwealth of Kentucky and Branches.

Attest,

R. S. TODD, c. h. e.

The said resolution was amended by striking out "Friday the 18th," and inserting in lieu thereof, "Thursday the 24th," and concurred in.

Ordered, That Mr. Crutcher inform the House of Representatives thereof, and request their concurrence in the said amendment.
Mr. Wickliffe read and laid on the table the following resolution, to-wit:

*Whereas,* The encouragement of genius and enterprize is among the first duties of Republics, and where through poverty or obscurity, those who have rendered to their country essential services, have passed through life without receiving any notice or remuneration, are nevertheless, when dead, entitled to some mark or expression of their countries gratitude. And whereas it is represented to the present General Assembly, that John Fitch, to whom the present age is so much indebted, for the important discovery of Steam boats, lies in the public burying ground at Bardstown, without a stone to mark his grave; and whereas it is further represented, that said Fitch died without relations in this state to pay any respect to his memory, and the state of Kentucky being desirous, not only as a testimony of their gratitude to the deceased, for the great benefits which his genius has conferred upon the world; but to inspire confidence in men who may hereafter devote their talents to their country's good, deem it due to the deceased, that a tomb-stone or monument shall be placed over his grave.

Resolved therefore, That Philip Reed, James Smiley, Nathaniel Wickliffe and Alexander M'Coun, or any three of them, be authorized and required to place over the grave of said John Fitch, a plain tomb-stone or monument, with a suitable inscription, expressive of the merits of the deceased.

Mr. Allen moved the following resolution, to-wit:

*Whereas,* in a resolution which was offered in committee of the whole, to which was referred, the report and resolutions of the committee on internal improvements, the following subjects are brought before the committee, upon which they are required to decide, to-wit: "This legislature view with deep concern and feeling of just indignation, the efforts that are now making throughout the United States, to blast the reputation of the distinguished members of Congress from this state, who voted for John Q. Adams to be president of the United States: They have no hesitation in saying, that it is their confirmed opinion, from great deliberation and a full examination of all the facts and evidence adduced, that the charges of bargain, sale and corruption, in the election of John Q. Adams are utterly false and malicious; that they are brought forward and endeavored to be sustained for party purposes, and to elevate General Jackson to the office of President of the United States."

Therefore, to enable the committee to examine into, and investigate the transactions embraced in the foregoing resolution, Resolved, That said committee be authorized and instructed to send for persons and papers.
Which being twice read—Mr. Hardin moved to lay the same on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McConnell and Daviess, were as follows, to wit:


Mr. Dudley moved to take up the resolution requesting the public printer to exhibit his account in detail, against the government, that the same may be examined previous to going into the question—offered by him on the 16th instant.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Dudley and Cockerill, were as follows, to-wit:


On the motion of Mr. M'Millan, he was excused from serving on the committee appointed to examine the Treasurer's office, and Mr. Harris was added to the said committee.

A bill for the benefit of Augustin Clayton, was read the second time.

Mr. Carneal moved to lay the same on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cockerill and Gibson, were as follows, to-wit:


Ordered, That the said bill be engrossed and read a third time tomorrow.

Bills from the House of Representatives of the following titles:
An act to remove the obstructions to the navigation of Pond river. And,
An act to add a part of Morgan to Fleming county.
Were read the first time, and ordered to be read a second time.

Messages were received from the House of Representatives, announcing the passage of the following bills, to-wit:
An act to amend "an act imposing a duty on sales at auction in the county of Jefferson, for the benefit of the Louisville Hospital, approved December 17, 1821." And
An act to regulate the duties and powers of trustees of towns in this commonwealth.
A bill from the House of Representatives entitled, an act to amend an act incorporating the Hartford manufacturing company, was read the third time as amended.
And the said bill was recommitted to a committee of Messrs. W. Green, Hardin, Cunningham, Maupin and McConnel.

Resolved, That the said bill as amended do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Rodman inform the House of Representatives thereof, and request their concurrence in the said amendments.

Bills from the House of Representatives entitled, an act for the benefit of the trustees of Morgan Seminary, and for other purposes, And,
An act to authorize the stockholders of the bank of Limestone to elect an agent to close the concerns of said bank;
Were read the third time as amended.

Resolved, That the said bills as amended do pass, and that the title of the former bill be as aforesaid, and that of the latter bill be amended to read,
An act to authorize the stockholders of the late independent banks to elect agents to close the concerns of said banks and for other purposes.

Ordered, That Mr. Harris inform the House of Representatives of the passage of the former bill, and Mr. Taylor the latter bill, and request their concurrence in the said amendments.

Bills of the following titles:
1. A bill for the benefit of Joseph Paxton. And,
2. A bill for the benefit of James Patton. And,
3. A bill for the benefit of Isaac and Alfred Shelby.
Were severally read the second time, and ordered to be engrossed and read a third time, the first and second to-morrow.

And thereupon the rule of the Senate, constitutional provision, and third reading of the third bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. J. Green carry the same to the House of Representatives, and request their concurrence.

A bill to provide for the appointment of commissioners of public works, and for other purposes. And,

A bill to incorporate the Ohio bridge company, were read the second time and committed.

The former to a select committee of Messrs. A. S. Hughes, Wickliffe, Muldrew, Bentley and Allen, and the latter bill to a select committee of Messrs. Hardin, J. Hughes, Allen, Carnel and W. Green.

Bills from the House of Representatives of the following titles:
1. An act for the benefit of Frances Vanseol. And,
2. An act for the benefit of Amelia Kerley, were each read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with, the former was ordered to be read the third time, and the latter bill was committed to the committee of religion.

And the rule of the Senate, constitutional provision, and third reading of the former bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Taylor, inform the House of Representatives thereof.

A bill for the relief of securities in individual contracts, was read the second time.

The first section of the said bill is as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in all contracts which may now exist or which may hereafter be entered into, any person or persons who may be, or may become security or securities in such contract, shall have the right at any time after the period for fulfilling such contract shall have expired, and a right of action accrued thereon, to notify the obligee or obligees, assignee or assignees, or other person having the beneficial interest in such contract, that he or they will not longer stand bound as security as aforesaid, and if such person or holding the beneficial interest in such contract shall, for the space of days after the service of such notice, fail to proceed by suit in good faith to the collection of the debt or damages to which he may be entitled by the breach of said con-
tract, the security therein, who shall have given such notice shall be exonerated and discharged from his liability as such, by shewing upon the trial of the cause that he was only security, in the transaction, and the notice and service as aforesaid. This act shall apply as well to incorporations as to individuals, and a notice to such one or more members of the corporation as are authorized in law to sue shall be a sufficient service of notice.

Mr. Hardin moved to amend the said section by striking out the words "which may now exist or," and "may be or" printed in italics.

And the question being taken on adopting the said amendment it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Hardin and Cockerill, were as follows, to-wit:

YEAS—Messrs. Allen, Barrett, Cunningham, Carneal, Dudley, Faulkner, J. Green, Garrard, Gibson, Hardin, Hickman, Maupin, Muldrow, Rodman, Selby, Summers, Smith and Taylor—17.


Mr. Maupin moved to commit the said bill to a select committee.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. J. Green and Slaughter, were as follows, viz:


Mr. Fleming moved a reconsideration of the vote on adopting the amendment proposed by Mr. Hardin.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Lockett and Hardin, were as follows, viz:


Mr. Beatty moved to lay the said bill on the table until the first day of June next.
And the question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon by Messrs. Cockeill and Beatty, were as follows, viz:
NAYS—Messrs. Allen, Barrett, Cockerill, Cunningham, Crutcher, Carneal, Davies, Dudley, Daniel, Faulkner, Fleming, Given, W. Green, J. Green, Garrard, Gibson, J. Hughes, A. S. Hughes, Hardin, Hickman, Harris, Maupin, M'Connell, M'Millan, Muldrow, Pope, Rodman, Slaughter, Summers, Smith, Taylor, Wood and White—33.
The question was again taken on adopting the amendment proposed by Mr. Hardin, and it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Beatty and Crutcher, were as follows, viz:
The said bill was further amended, and the blanks therein filled.
Ordered, That the said bill be engrossed, and read a third time to-morrow.
On the motion of Mr. A. S. Hughes, the committee of propositions and grievances was discharged, from the further consideration of a bill from the House of Representatives entitled, an act to establish election precinct in certain counties.
And the said bill was recommitted to a select committee of Messrs. A. S. Hughes, Crutcher, Maupin and Pope.
And then the Senate adjourned.

SATURDAY, JANUARY 19, 1828.

The Senate assembled.
Mr. Taylor from the committee to whom was referred, a bill concerning the Bank of Kentucky, reported the same with amendments.
Which being twice read were concurred in.
Ordered, That the said bill be engrossed and read a third time on Monday next.
Mr. M'Connell from the committee to whom was referred, a bill from the House of Representatives entitled, an act to amend
an act entitled, an act to encourage the establishment of private schools," reported the same with an amendment.

Which being twice read, was concurred in.

Ordered, That the said bill as amended, be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. McConnel inform the House of Representatives thereof and request their concurrence in the said amendment.

A message in writing was received from the Governor by Mr. Pickett, secretary of state.

Mr. Hardin from the committee to whom was referred, a bill to incorporate the Ohio Bridge Company, reported the same with an amendment;

Which was twice read and concurred in.

Mr. Fleming moved to lay the said bill on the table until the first day of June next.

The Senate proceeded to the consideration of the order of the day.

A bill amending the acts regulating the Court of Appeals, was read the second time as follows, to-wit:

Whereas there are many suits, now pending, and which hereafter may be depending in the Court of Appeals, wherein two of the three judges, who now constitute the said court, are disqualified from, or decline sitting for the trial and decision of such causes, on account of interest, or because they have been employed, or consulted, as counsel in such causes, whereby the administration of justice is greatly hindered and impeded. For remedy whereof.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That whenever any cause which now is, or hereafter may be pending before the said court, a majority of the judges thereof, shall refuse or decline sitting to hear or determine the same, for either of the causes aforesaid, it shall and may be lawful for the remaining judge or judges of the court to whom such objections are not applicable, to constitute the said Court of Appeals, for the special purpose of hearing and deciding such cause or causes; and the decision of such judge or judges, so constituting the court for such occasion, shall have the same force and effect between the parties, and all others legally affected by such decision, as if it had been pronounced by the whole, or a majority of the judges composing the court.

Mr. Maupin moved to lay the said bill on the table until the first day of June next.
And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Maupin and Davies, were as follows:

YEAS—Messrs. Cockrell, Cockerill, Davies, J. Green, J. Hughes, Maupin, M'Connell, Pope, Selby, and Smith—10.


Mr. Daviess moved to amend the said bill by adding thereto the following section, to-wit:

"Be it further enacted, That when any party or parties, to any suit depending in the Court of Appeals, shall apprehend that he cannot obtain a fair and impartial hearing, on account of the prejudice of some one of the judges, it shall and may be lawful for such party to file a written affidavit, stating the fact, and that he verily believes that said judge is prejudiced against him, and that he cannot have a fair and impartial trial before said judge, said judge shall not constitute one of the court, for the trial of said cause, but said affidavit shall only extend to one of said judges.

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. J. Green and Davies, were as follows, to-wit:


The question was then taken on engrossing the said bill and reading it a third time, and it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Davies and M'Connell, were as follows, to-wit:


An engrossed bill entitled, an act more effectually to guard the right of suffrage, and for other purposes; was read the third time.
Mr. M'Connell moved to amend the said bill by adding thereunto the following engrossed section by way of rider.

Be it further enacted, That if any judge of an election, or the clerk thereof, or the sheriff, who for the time being shall superintend the same, shall at any election and during the time the polls are open for the receipt of votes, use or exert his influence at the polls, for or against any of the candidates, or if such judge or sheriff shall knowingly permit any person to vote, who is not entitled by the constitution and laws of this state, to vote at that time and place, or shall knowingly refuse the vote of any person who is entitled or who shall offer competent and credible evidence to show that he is entitled, at that time and place to vote, or shall permit any person, having once given his vote and departed from the polls, to return again and alter or erase his vote so given, or shall willfully permit or encourage disorder or violence at the polls, when open for the receipt of votes as aforesaid, or shall authorize, encourage or knowingly permit any other undue or corrupt means to be used or practised at the polls, whereby a fair and free election may be prevented, or in any manner endangered, such officer so offending, shall be considered guilty of a high misdemeanor, and shall be liable to be presented or indicted by a grand jury of the county in which the offence was committed, and upon being found guilty, to be fined in any sum not exceeding one hundred dollars, or imprisoned in the jail of the county not exceeding six months, or both, at the discretion of a petit jury.

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. M'Connell and Cockerill, were as follows, to-wit:


The question was then taken on the passage of the said bill and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Cockerill and Wickliffe, were as follows, to-wit:


NAYS—Messrs. Allen, Barrett, Cockerill, Crutch, Carneal, Daviess, Dudley, Daniel, Green, J. Hughes, Maupin, Rodman, Selby and Slaughter—14.
Ordered, That Mr. Wickliffe carry the said bill to the House of Representatives and request their concurrence.

Mr. Cockerill from the joint committee of enrollments reported, that the committee had examined, and found truly enrolled, bills of the following titles:

An act for the benefit of David and Elizabeth E. Jones.
An act for the benefit of Frances Vanscoik. And,
An act for the benefit of the sheriff of Scott county;
And that said bills were signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate signed the same, and they were delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time Mr. Cockerill reported that the committee had performed that duty.

Messages were received from the House of Representatives, announcing the passage of bills of the following titles, to-wit:

An act regulating the terms of the Jefferson circuit court.
An act for the benefit of Susan W. Owen. And,
An act to amend the several acts concerning Lunatics and Idiots.

And then the Senate adjourned.

MONDAY, JANUARY 21, 1828.

The Senate assembled.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Pope—1. A bill to regulate civil proceedings against certain communities, having property in common. 2. A bill allowing fees to jailors in certain cases.

By Mr. Slaughter—3. A bill to authorize the county court of Logan to appoint commissioners to settle with Spencer Curd, as commissioner appointed by law, to sell a part of the real estate of Nathaniel Drake deceased. And,

By Mr. Rodman—4. A bill to extend the powers of the trustees of New-Castle.

Which bills were severally read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the first and second bills, and the second and third readings of the third and fourth bills having been dispensed with; the first was committed to the committee of courts of justice, the second to a committee of Messrs. Maupin, J. Green, McMillan and Faulkner, and the third and fourth bills being engrossed.
Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Slaughter carry the third and Mr. Rodman the fourth bill to House of Representatives and request their concurrence.

Mr. Pope from the committee of courts of justice, to whom was referred, a bill more effectually to guard the occupant of land, reported the same without amendment, and the said bill was re-committed to a select committee of Messrs. Fleming, J. Green, Daniel, M'Connell, Lockett and Hardin.

Mr. M'Millan from the committee of propositions and grievances, made the following report, to-wit:

The committee of propositions and grievances have according to order, had under consideration a bill from the House of Representatives, entitled "an act for the benefit of Hugh M'Williams," and have come to the following resolution thereon, to-wit:

Resolved, That said bill ought not to pass.

Which being twice read was concurred in, and so the said bill was disagreed to.

Ordered, That Mr. M'Millan inform the House of Representatives thereof.

Mr. A. S. Hughes from the committee to whom was referred, a bill from the House of Representatives, entitled "an act to establish election precincts in certain counties," reported the same with an amendment;

Which being twice read was concurred in.

The said bill was further amended and ordered to be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with.

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. A. S. Hughes inform the House of Representatives thereof, and request their concurrence in the said amendments.

Mr. Garrard from the committee to whom was referred, a bill for the benefit of D. Trabue and others, reported the same with an amendment.

Which being twice read was concurred in.

Ordered, That the said bill be engrossed and read a third time to-morrow.

Mr. A. S. Hughes from the committee to whom was referred, a bill providing for the appointment of an engineer, to survey the Kentucky river, reported the same with an amendment.

Which being twice read, was concurred in.

Ordered, That the said bill be engrossed and read a third time to-morrow.
A message from the Governor by Mr. Pickett, secretary of state.

Mr. Speaker— I am directed by the Governor to lay before the Senate, three messages in writing.

And then he withdrew.

The rules of the Senate having been dispensed with, the said messages were taken up and read as follows, to wit:

Gentlemen of the Senate,

I nominate for your advice and consent, the following Militia officers, who have received temporary commissions since the last session of the General Assembly.

Peyton Alfred Brigadier General of the ninth brigade vice John Faulkner promoted.

Alexander M. Henry Major General of the eleventh division, vice Robert Barnett refused to accept.

Peter Sweets Brigadier General of the first brigade vice Jonathan Simpson promoted.

James Dudley Major General of the fifth division vice James Shelby resigned.

Edmund Pendleton Brigadier General of the fifth brigade vice Jas. Dudley promoted.


Thomas M'Kee quarter master of the 7th brigade vice F. R. Singleton.

Benjamin Doom quarter master of the first brigade.

Alfred O. Powell quarter master of the 26th Brigade vice J. Tood removed.

James Gibson quarter master of the 26th brigade.

Daniel Breck Inspector of the 2d division.

William Craig quarter master of the 2d division.

Elisha Smith Inspector of the 12th division vice H. Jones resigned.

Burdeit Kempker Major 57th—Oatman promoted.

Henry Tuggle major of the 21st Regt. vice W. M. Garnett promoted.

William Anderson major of the 45th reg't, vice James Jolliff promoted.

John Ashbrook lieut. col. of the 59th regiment vice Thomas Patton resigned.

Samuel K. Cox major of the same vice George Dowell promoted.

William Force col. of the 117th reg't vice James Rooney resigned.

Joseph Carter lieut. col. of the same vice William Force promoted.

William Wright major of the same vice Joseph Carter promoted.
Thaddeus Williams col. of the 31st reg't. vice Joseph Harrone resigned.
William Wilkerson lieut. col. of the same vice Thaddeus Williams promoted.
John Williams major of the same vice William Wilkerson promoted.
Richard M. Sutfield col. of the 32d (a new reg't.)
John Glover lieut. col. of the same.
William Bohan Major of the same.
William Sharpe lieut. col. of the 5th reg't. vice R. M. Sutfield arranged to the 32d.
John Cardwell Major of the same vice John Glover arranged to the 32d.
John B. Lanier lieut. col. of the 107th reg't. vice J. H. Bigger resigned.
Henry C. Williams major of the same vice J. B. Lanier promoted.
Alexander M'Hatton col. of the 77th reg't. vice Tho's H. Bradford resigned.
Jesse D. Oldham lieut. col. of the same C. W. Hall resigned.
Thomas Vanlandingham major of the same vice Alex'r M'Hatton promoted.
Achilles Chinn col. of the 71st reg't. vice J. Current resigned.
Henry T. Gregory lieut. col. of the same vice A. Chinn promoted.
Henry M'Quaid col. of the 76th reg't. vice M. Herron resigned.
Charles L. Harrison Major of the 1st reg't. vice R. Fryer rejected by the Senate.
John Shirley lieutenant colonel of the same vice M. Williams promoted.
Walter McCormack Lieutenant colonel of the 13th reg't. vice S. Fielder removed.
William Bell lieutenant colonel of the 99th regiment vice A. Frizzle resigned.
Alfred Owens major of the same vice Wm. Bell promoted.
Joel Wilhoit major of the 90th regiment.
William Boyd major of the 65th regiment vice P. R. Gill.
Levi F. Hall major of the 47th regiment.
Charles C. Carson colonel of the 79th regiment vice J. Dysart deceased.
James Ferrill lieutenant colonel of the same vice C. C. Carson promoted.
John Evans major of the same vice J. Ferrill promoted.
John Morris lieutenant colonel of the 3d regiment vice J. Allison resigned.
James Howey major of the same vice J. Morris promoted.
James Dowell lieutenant colonel of the 103d regiment vice D. Carr resigned.
Absalom Ashcraft major of the same vice J. Dowell promoted.
John Shirley colonel of the 116th regiment vice M. Williams removed.
Samuel B. Shute lieutenant colonel of the same vice J. Shirley promoted.
Robert K. White major of the same vice S. B. Shute promoted.
William Watts major of the 19th regiment vice J. Harris resigned.
Jacob Bungardner colonel of the 101st regiment vice R. Reams refused to accept.
Benjamin Copelin lieutenant colonel of the same vice J. Bungardner promoted.
Alexander Gardner major of the same vice B. Copelin promoted.
John Conoway major of the 13th regiment.
John Cunningham lieutenant colonel of the 9th regiment vice O. Prewitt removed.
George W. Berry major of the 20th regiment vice J. Kendrick removed.
William Kendall major of the 71st regiment vice A. Chinn promoted.
Hensley Reid lieutenant colonel of the 60th regiment vice J. Kirkpatrick resigned.
Amos Walters major of the same vice T. Williams resigned.
John Wallace major of the 120th regiment vice John Ford deceased.
George Boswell colonel of the 37th regiment vice W. G. Boyd resigned.
John F. Daviss lieutenant colonel of the same vice G. Boswell promoted.
Washington Goun major of the same vice John F. Daviss promoted.
David Johnson major of the 39th regiment vice Jas. M'Kenny promoted.
John Yantis colonel of the 57th regiment vice Peyton Alford promoted.
Peter Oatman lieutenant colonel of the same vice J. Yantis promoted.
William R. Hand major of the 21st regiment vice J. McClarnan deceased.
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Thomas Ferrel lieutenant colonel of the 74th regiment vice T. Blain resigned.

Dykeman Shooke major of the same vice T. Ferrel promoted.

Sinclair Emmons colonel of the 58th regiment vice J. Harrison removed.

Lemuel Hunt lieutenant colonel of the same vice S. Emmons promoted.

Robert G. Lewis major of the same vice L. Hunt promoted.

John Allen lieutenant colonel of the 76th regiment vice H. M'Quaid promoted.

Howell B. Cox major of the same vice D. H. Thomason resigned.

John Whips major of the 9th regiment vice J. Cunningham promoted.

Thomas G. Watkins colonel of the 84th regiment vice C. C. Cobb resigned.

James Early lieutenant colonel of the same vice T. G. Watkins promoted.

Woodford Wyatt colonel of the 30th regiment vice E. K. Early resigned.

Alfred Metcalfe lieutenant colonel of the same vice W. Wyatt promoted.

John R. Ringo major of the same vice A. Metcalfe promoted.

Absalom Oldham colonel of the 78th regiment vice H. Beaty.

John G. Boyd lieutenant colonel of the same vice A. Oldham promoted.

John B. Powell major of the same vice J. G. Boyd promoted.

William Faulkner lieutenant colonel of the 26th regiment vice R. L. Stewart resigned.

Oliver Terrill major of the same vice William Faulkner promoted.

E. W. Duzan colonel of the 70th regiment vice B. Waring promoted.

John Bandfield lieutenant colonel of the same vice J. M'Connell resigned.

S. W. Gammon major of the same vice J. W. Waring removed.

John Vanhoose lieutenant colonel of the 98th regiment vice G. Martin resigned.

Levin Oliver major of the 84th regiment.

James M. Brown colonel of the 2d regiment vice P. Sweets promoted.

James M. Wright lieutenant colonel of the same vice J. M. Brown promoted.

John M'Isaac major of the same vice J. M. Wright promoted.

Isaac Gray major of the 72d regiment vice J. Shaw promoted.

January 21, 1823. JOS. DESCHE.
Gentlemen of the Senate:

I nominate for your advice and consent the following officers:

Robert Martin to be commissioned major general of the 4th division Kentucky militia, vice Jonathan Simpson resigned.

Pleasant Sandridge brigadier general of the 10th brigade vice Sam. Wilson resigned.

John Clinkingbord colonel of the 36th regiment vice Edmund Pendleton promoted.

Spencer Holloway lieutenant colonel of the same vice John Clinkingbord if promoted.

William Cooper major of the same vice Spencer Holloway if promoted.

Robert Jones colonel of the 100th regiment vice C. B. Calvert resigned.

Nicholas T. Thomas lieutenant colonel of the same vice Robert Jones if promoted.

James Sale major of the same vice N. T. Thomas if promoted.

George Collings lieutenant colonel of the 119th regiment vice C. C. Reid deceased.

John M'Cullum major of the same vice G. Collings if promoted.

Radford Maxey major of the 109th regiment vice Isaac Jackson resigned.

Felix Gilbert colonel of the 68th regiment.

Samuel Jones lieutenant colonel of the same.

Jeremiah Muncey major of the same.

Henry Tuggle lieutenant colonel of the 121st regiment vice W. M. Garnett deceased.

Henry Tye major of the same vice H. Tuggle if promoted.

JOS. DESHA.

January 21, 1828.

Gentlemen of the Senate:

I nominate for your advice and consent, Joel H. Kirtley to be commissioned sheriff of Boone county vice John M. McRill who has resigned; and,

John Hodge to be commissioned sheriff of Calloway county vice Arthur H. Davis resigned.

JOS. DESHA.

January 21, 1828.

Resolved, That the Senate advise and consent to the said appointments except to those of Pleasant Sandridge brigadier general of the 10th brigade, vice Samuel Wilson resigned, and John G. Boyd lieutenant colonel of the 78th regiment vice Absalom Oldham promoted.

Ordered, That Messrs. Carneal, Wood and Cockerill inform the Governor thereof.

The nominations of the said Sandridge and Boyd were committed to a select committee of Messrs. Allen, Rodman, Faulkner, A. S. Hughes and McMillan.
Mr. W. Green from the committee to whom was referred, a bill from the House of Representatives, entitled, "An act to amend an act incorporating the Hartford Manufacturing Company," reported the same with an amendment; Which being twice read, was concurred in. Ordered, That the said bill, as amended, be again read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with; The question was taken on the passage of the said bill, as amended, and it was decided in the affirmative,

The yeas and nays being required thereon by Messrs. Maupin and Hardin, were as follows, to-wit:


NAYS—Messrs. Gibson, Maupin, Mcconnell and Selby—4.

Resolved, That the title of the said bill be as aforesaid.

Ordered, That Mr. W. Green inform the House of Representatives thereof, and request their concurrence in the said amendments.

Mr. Mcconnell from the committee to whom was referred, a bill from the House of Representatives, entitled, "an act to change the August terms of the Henry, Ohio and Hardin county courts," reported the same with an amendment; Which being twice read, was concurred in. Ordered, That the said bill, as amended, be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with; Resolved, That the said bill, as amended, do pass, and that the title be amended to read, an act to change the time of holding the August terms of the Henry, Ohio and Hardin county courts, and the time of holding the Lewis circuit court.

Ordered, That Mr. Rodman inform the House of Representatives thereof, and request their concurrence in the said amendments.

Mr. White, from the joint committee appointed to examine the Register's office, made the following report:

The joint committee of the Senate and House of Representatives, appointed to examine and report the state of the land office, have performed the duty required, and report as follows: That they find transcribed from the Virginia land office, 273 bundles of surveys, neatly labelled, with an alphabet; also, fifteen bundles containing the cavented and defective surveys, on
which grants have issued; four bundles cavedent surveys, two bundles defective surveys, and one bundle of surveys misplaced from their proper bundle, all neatly labelled, and recorded in 11 volumes, well bound, with a complete alphabet; two bundles of warrants located and mislaid; one bundle copies of wills; 16 volumes, the record of grants issued on the aforesaid surveys, in good order, with a complete alphabet. The records of military warrants from the Virginia land office, in two volumes, with alphabets, and in good order. A list of Virginia treasury warrants in two volumes; the record of pre-emption warrants in one volume, containing the record of warrants under the proclamation of 1763, with alphabets, and in good order. Commissioners certificates granted in 1779 and 80, in three volumes, with alphabets, in good order. The sale books of non-residents lands for the years 1800-1-2 and 4, have a new alphabet; (the books are somewhat worn.) The books in which the sales of 1805-6-7-8-9-10-11-12-13-14-15-16-17-18-19 and 20 are recorded, they find in good order, with alphabets; two volumes in which surveys have been registered since 1792, in good order. The said surveys are tied up in 144 bundles, neatly labelled, with an alphabet. The record of these surveys, together with the records of some grants, is in 11 volumes, with an alphabet, in good order. The grants issued on the aforesaid surveys, are in twenty volumes, to which there is an alphabet, in good order. The surveys on headright claims are neatly registered in three volumes, with two alphabets, one of which is somewhat worn. The headright plats and certificates of surveys are filed in 311 bundles, neatly labelled, and recorded in 17 volumes, with two alphabets, in good order. The grants issued thereon, are recorded in 27 volumes, well bound, with two alphabets, in good order. The land warrants issued under the act of 1800, the surveys and grants on the same, as also the Tellico surveys and grants, are in two volumes, they are registered in one volume. The original surveys tied up in twelve bundles, neatly labelled, all in good order; 9 bundles certificates on which warrants have issued; 7 bundles certificates of sale of non-resident’s lands, on which deeds have issued; one bundle Attorney General’s opinions to the register; three bundles county court certificates; 8 bundles caveats since 1792; four bundles cavedent surveys since 1792, two bundles of surveys not registered for want of fees, since 1792; one bundle of defective surveys since 1792; thirty-four bundles of vouchers on which the late Kentucky land warrants have issued, all labelled and in good order; one volume containing the surveys under the proclamation of 1763, with an alphabet; two volumes of certificates granted in 1796, and three volumes in 1798, with alphabets; Anderson and Croghan’s Military entry books in two volumes, with alphabets. The transcript of Lincoln entries, in
two volumes, with an alphabet, in good order. May's entries (so called) transcribed in five volumes with two alphabets, in good order; one volume of Green's deputy register of surveys made previous to June 1792; one volume relinquishments, in tolerable order; a list of Kentucky warrants issued under the act of 1814, and the subsequent acts in two volumes, and the record of said warrants in 9 volumes. The original surveys made on said warrants are tied up in 258 bundles, neatly labelled and recorded in 13 volumes well bound. The grants issued thereon recorded in 23 volumes, with two alphabets, in good order. Said surveys are neatly registered in three volumes, with two alphabets, in good order. Three volumes in which caveats are recorded, with alphabets; 11 books of original entries from the county of Fayette, neatly transcribed, in four volumes, well bound, with an alphabet, in good order; agreeably to an act of Assembly, approved 3th January, 1824; one book of original entries from the county of Mercer, one from Bourbon and one from Nelson, have been returned by the surveyors of said counties, to the register's office; agreeably to the requisition of an act of Assembly, approved February 12th, 1820; all of which books of entries are in order fit to be used. The surveyor of Jefferson county has failed to return the original entries of that county to the register's office, as your committee have been informed by the register; one volume of Military grants for land west of the Tennessee river; one volume in which the surveys of that land are registered; and one volume in which they are recorded. The surveys are neatly tied up in 5 bundles, each volume having a separate alphabet; one volume in which certificates of sale of land west of the Tennessee river are recorded; two volumes of grants issued thereon with alphabets, in good order; one volume of Henderson's field notes, (this book is not well bound;) one volume in which surveys of lands south of Walker's line, are recorded; two volumes of grants issued thereon with alphabets, in good order, one volume of the list of warrants south of Walker's line, one volume in which these warrants are recorded; one volume in which the surveys on forfeited lands, are registered; one volume, the record of surveys; one volume of grants on the same, with alphabets, in good order.

Your committee would here remark, that the alphabet to the headright volumes before spoken of as being somewhat worn, is also so much defaced, from common use, that your committee are of opinion that it ought to be transcribed.

The Register exhibited great promptitude in attending to and assisting us in the necessary examination of his office, and afforded every facility therein that could have been asked—all of which is respectfully submitted.
Your committee are satisfied, from the examination they have made, that the business in the land office has greatly increased, owing to the reduction of the price of land warrants, and the bringing into market the lands in the State of Tennessee, south of Walker's line: they are therefore of opinion that the salary as now reduced of that officer, is not adequate to the duties he has to perform. Given under our hands, this 8th day of January, 1828.

SAM. W. WHITE,
RODES SMITH,
FRANCIS LOCKETT,
on the part of the Senate,
JAS. G. HARDY,
AMOS DAVIS,
JAMES DOWNNING,
H. GRIDER,
on the part of the House of Representatives.

On the motion of Mr. Maupin, leave was given to bring in a bill supplementary to an act, entitled, "an act for the benefit of Thomas Smith and others," approved the 31st of December 1827; and Messrs. Maupin, Cockerill and Slaughter were appointed a committee to prepare and bring in the same.

After a short time Mr. Maupin reported the said bill;
Which was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed;
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.
Ordered, That Mr. Maupin carry the said bill to the House of Representatives, and request their concurrence.

Mr. Allen moved to take up the resolution moved by him on the 18th instant.
It being 12 o'clock, the Speaker directed the orders of the day to be taken up.
Mr. Hardin moved to dispense with the orders of the day.
And the question being taken thereon, it was decided in the negative, the rule of the Senate requiring the concurrence of two thirds.
The yea and nay were required thereon by Messrs. Hardin and Beatty, were as follows, viz:

A bill to punish shooting or stabbing in sudden affrays, was read the second time, the blanks therein filled, and ordered to be engrossed, and read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed:

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Carneal carry the said bill to the House of Representatives, and request their concurrence.

A bill from the House of Representatives entitled, an act restoring Eliza Boyd to the privileges of a feme sole; was read the third time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract existing between Eliza Boyd and her husband Elisha Boyd, be and the same is hereby declared null and void, as to the said Eliza Boyd, and the said Eliza is hereby restored to all the rights and privileges of a feme sole.

And the question being taken on the passage thereof, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Hardin and Green, were as follows, to-wit:

**YEAS**—Messrs. Allen, Beatty, Cockerill, Crutcher, Daviess, Daniel, Fleming, W. Green, J. Hughes, A. S. Hughes, Maupin, Pope, Rodman, Slaughter, Smith and White—16.


Ordered, That Mr. Maupin inform the House of Representatives thereof.

A bill from the House of Representatives entitled, an act to incorporate the Clay and Jefferson Seminaries, was read the third time as amended.

Resolved, That the said bill as amended do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Hickman inform the House of Representatives thereof, and request their concurrence in the said amendments.

A bill to change the time of the annual meeting of the General Assembly, was read the third time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the annual sessions of the General Assembly,
shall commence on the first Wednesday in November, in each year.

Mr. Wickliffe moved to lay the said bill on the table, until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Cockerill and Beatty, were as follows:


A bill to provide for the examination of the office of the auditor of public accounts, was read the second time and laid on the table until the first day of June next.

A bill to incorporate the Ohio Bridge Company was taken up, and is as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Benj. Lawrence, Basil N. Hobbs, John S. Sneed, James Hughes, Robt. Breckinridge, John J. Jacobs, Silas Field, Samuel Gwathmey, Nicholas Berthoud, John A. Honori, John Tunstall, Wm. Bowman, Charles Sleed, Samuel Merriweather, Reuben W. Nelson, Orlando Rayman and Wm. D. Beach, and their associates, be and they are hereby created a body politic and corporate by the name, style and title of the Ohio Bridge Company, for the purpose of erecting and constructing a permanent bridge across the river of Ohio, at the falls thereof; and they, and their associates and successors, shall continue and have perpetual succession, and by that name and style, are hereby made as capable in law as natural persons, to contract and be contracted with, to sue and be sued, to plead and be impleaded, answer and be answered, in all courts of law or equity within this Commonwealth or elsewhere; and to make, have, and use a common seal, and the same to break, alter or amend, at pleasure; they shall also have the power to purchase and hold as much real estate as will be necessary for the site for said bridge, or sites for the piers and abutments of said bridge; also to borrow any sum of money not exceeding the capital stock mentioned in this act; but not to have or exercise the privilege of loaning money or issuing bills or notes, on banking principles; also, the power to ordain and establish such by-laws, ordinances and regulations as shall be necessary for the well being and government of said corporation, not contrary to the laws and constitution of this Commonwealth, or the state of Indiana, or the United States.
Sec. 2. Be it further enacted, That the capital stock of said company, shall consist of four hundred thousand dollars, divided into four thousand shares, of one hundred dollars each, to be subscribed for in the manner hereinafter mentioned.

Sec. 3. Be it further enacted, That within sixty days after the passage of this act, and the confirmation of this act by the Legislature of the state of Indiana, the persons before named, or a majority of them, shall cause a public advertisement to be made, of the time and places of opening books of subscriptions of the stock of said company, which books shall be kept open, under the direction of the said persons, or a majority of them, not less than ten, or more than ninety days. If however, at the closing of the subscription, it shall be found that a greater number of shares than four thousand, shall have been taken, then, and in that case, the persons before named, or a majority of them shall proceed to reduce the number of shares in an equitable and just proportion amongst the subscribers, taking off from the highest subscribers, and not reducing any one below ten shares.

Sec. 4. Be it further enacted, That whenever one thousand shares shall have been subscribed, the said persons or a majority of them shall advertise a meeting of the share-holders of said company at Louisville, giving at least fifteen days notice, of the time and place of such meeting, and the share-holders shall then proceed to the election of a president and six directors, who shall be share-holders, and such of the before named persons, who shall not then be share-holders, shall cease to be members of said company; and the said share-holders shall also proceed to fix what compensation the president and directors shall be entitled to receive, if any be allowed: also, to ordain and adopt such by-laws for the permanent organization of said corporation, as they may deem needful; at which meeting each share-holder shall be entitled to one vote for each share, to the number of twenty, and one vote for every five shares over twenty; and after the first general meeting and election, no person who is not a citizen of the United States shall vote on any shares in said company, either in person or by proxy, and at all subsequent elections, no shares shall be voted on, that have not stood in the name of the person claiming to vote at least three months previous to the day of the election, and that the shares in said company may be voted on by proxy, duly recorded, and conforming to the foregoing regulations.

Sec. 5. Be it further enacted, That the president and directors first chosen, shall hold their offices until the first Monday of January ensuing such election, and until others shall be chosen in their places; and on the first day of January in each year, the stockholders in said company, shall meet at their office in Louisville, or at some place to be designated by the president and di-
rectors, and then proceed to the election of a president and six directors, who shall be share-holders in said company, and resident citizens of the United States, and who shall hold their offices for one year, and until their successors shall be elected; public notice of such meetings and elections, shall be given by the clerk or secretary of the company, in some public newspaper printed in Louisville, at least fifteen days previous thereto. At the annual meetings a statement of the affairs of the company shall be made out by the president and directors, and such dividend of the profits declared as may be deemed advisable, and presented to the said meeting.

Sec. 6. Be it further enacted, That the concerns of said corporation shall be under the control, superintendence and management of the said president and directors, and the president, and any three directors shall constitute a quorum to transact business, or in the absence of the president, any four directors, one of whom shall act as president "pro tem." The president and directors after they shall have been duly elected as aforesaid, may make such assessments on the shares of said company as subscribed, payable at such periods as they may deem advisable, with such conditions of forfeiture for non-compliance, not exceeding the amount of the stock delinquent, as they may deem proper.

They are to open or renew the subscription for the shares not already subscribed, or sell them, and any forfeited shares, as they may think best for the interest of said company: Provided however, that no stock shall be sold by them, for less than the par value thereof.

Sec. 7. Be it further enacted, That it shall be the duty of the president and directors of said company, to appoint a clerk or secretary, and cause a record of their proceedings to be kept; also to appoint a treasurer and such other officers or agents, as they may think needful, for promoting the said undertaking, and to allow them such pay or compensation as they may agree on; to make contracts and do all things necessary for carrying the same into immediate effect, and to require and take such bonds or other surety in their corporate capacity, from any person or persons they may appoint or contract with; and in the event of the death, resignation or vacancy from any other cause, of the president or any director, the survivors or a majority of them, shall supply the vacancy until the next annual election, by the election of another share-holder.

Sec. 8. Be it further enacted, That the said president and directors shall have the right to purchase or receive the conveyance or conveyances of a site for said bridge, or sites for the abutments or piers of said bridge, and if they shall deem it advisable, and advantageous to the company, one acre over and
above what is authorized to be purchased by the first section of this act, at each end of said bridge.

Sec. 9. Be it further enacted, That the president and directors of said company by themselves, their agents or workmen, shall have full power and authority to enter into and upon any land in the vicinity of the proposed bridge, and to survey and lay out a site for said bridge, doing as little injury to the adjoining land as possible; and if the said president and directors cannot agree with the respective owners of the land for the site of the bridge on the Kentucky side of the river, they may apply to the Jefferson circuit court, for a summons to the respective owners of the land, to appear and shew cause why the site of said bridge shall not be established on their land; and such persons may claim a writ of *ad quoddam* damnum, and the said court shall select a jury, and direct the site or sites, with the necessary quantity of land on the Kentucky side of the river, to be valued by such jury, under the direction of the sheriff of said county; which valuation and assessment shall be returned to said court, and the court shall direct the payment of the money so assessed, and enforce the conveyance of the site or sites, with the necessary quantity of land.

Sec. 10. Be it further enacted, That it shall be lawful for said company by themselves, their agents or workmen, to enter with such force as they may employ for that purpose, upon the lands contiguous or near to the proposed bridge, and from thence to take and carry away any earth, or gravel, stone, or timber being most convenient for making or repairing of said bridge, they making compensation therefor, to the owners of such land, if they can agree therein; but in case of disagreement, to be settled by valuation, as directed for the valuation of the site of the bridge in the ninth section.

Sec. 11. Be it further enacted, That the said permanent bridge shall be erected so as to permit the passage of steam vessels of the largest size and height at the highest stages of the river, and shall have over the main shute on the Kentucky side and Indiana side, and likewise over the middle shute, spans or arches not less than one hundred and fifty feet cord; and when so erected and completed, the president and directors shall have the right to fix rates of toll for the passage on said bridge, and to collect the same from all and every person or persons passing thereon with their goods: and provided however, that said company shall lay before the Legislature of this state, a correct statement of the costs of said bridge, and an annual statement of the tolls received for passing the same, and the cost of repairing said bridge and collecting the tolls; and that the said president and directors shall from time to time reduce their rates of tolls, so that the nett profits shall not exceed eighteen per centum per
annum; they shall keep gates at each end of said bridge, and the rates of toll posted up in some conspicuous place, at each end thereof.

Sec. 12. Be it further enacted, That if any person or persons shall wilfully and knowingly, do any act or thing whatever, whereby the said bridge or any thing thereto belonging, shall be injured or damaged, the said person or persons so offending, shall forfeit and pay three times the amount of damages sustained, with costs of suit, recoverable before any court of competent and legal jurisdiction; and any person or persons who shall pass or attempt to pass said bridge without the leave of the toll-gatherer of said company, shall forfeit and pay three times the amount of such toll or tolls, with costs of suit, recoverable before any justice of the peace, for the county of Jefferson, and all such persons offending against the provisions of this section, shall stand committed and be imprisoned until the damages and costs so recovered, shall be paid and discharged.

Sec. 13. Be it further enacted, That the legislature of this Commonwealth, shall, from time to time, have the right to make such laws and regulations, as they may deem right and proper, to prevent slaves passing said bridge.

Sec. 14. Be it further enacted, That the president and directors of said company shall cause certificates of shares of said company, to be issued under the seal of the corporation, and be tested by the president and clerk or secretary, which certificates, shall be transferable only before the clerk, or secretary of the company, and a record book of the transfers of stock, shall be kept by him, and certificates of stock may be transferred by agents, duly authorized, and their powers of attorney duly recorded.

Sec. 15. Be it further enacted, That one thousand shares of the stock in said company, may be taken and is reserved, for the state of Kentucky, and one thousand shares may be taken and is reserved for the state of Indiana, and one thousand shares is reserved, and may be taken by the constituted authorities of Louisville, and they are hereby authorized to borrow money, on the credit of the town, for that purpose.

Sec. 16. Be it further enacted, That should the state of Kentucky and the state of Indiana, become share holders in said company, to the extent of one thousand shares, that the legislature of each state, shall have the right to nominate two directors, who shall be stock holders, and if either state shall not take to the amount of one thousand shares, but shall take to the amount of five hundred shares, then such state shall nominate one director of said company; and if the constituted authorities of Louisville shall take one thousand shares, they shall in like manner appoint two directors, but if they shall only take five hundred shares they shall only appoint one director, and the share holders shall
elect a number of directors to make up the whole number equal to eight, and those persons so elected, shall elect one of their own body president. But if neither the state of Kentucky or the state of Indiana, or the constituted authorities of Louisville, shall become share holders, then a president and six directors shall be elected, as is provided for in the fourth section of this act.

Sec. 17. Be it further enacted, That in case the state of Kentucky or Indiana, or the constituted authorities of Louisville, shall only take a part of the stock, reserved for them respectively, in the said company, within fifteen months from the passage of this act of incorporation, or take no part thereof; then either the state of Kentucky or Indiana, or the authorities of Louisville, may take the unsubscribed balance of the stock and cause the said bridge to be erected in conjunction with the other subscribers.

Sec. 18. Be it further enacted, That this act of incorporation shall go into effect, so soon after the passage thereof, as it shall receive the ratification of the legislature of the state of Indiana; and shall cease to have effect, if the stock shall not be taken to the extent of two thousand shares, within three years, and the bridge completed within seven years.

Sec. 19. Be it further enacted, That if any person, or persons shall wilfully set fire to said bridge, or burn the same, or any part thereof, such person so offending, with their aids or settlers, shall be guilty of arson, and on conviction, shall be subject to confinement in the jail and penitentiary house, of this commonwealth, for a period not less than two, nor more than ten years, to be ascertained by a jury, as in other cases of felony.

Be it further enacted, That the company shall be responsible by an appropriate action, for all injuries sustained by the vessels passing up or down said river, unless the injuries are sustained by negligence, or want of competent skill, of those aboard of said vessels.

The question was taken on the motion of Mr. Fleming, to lay the said bill on the table until the first day of June next, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Fleming and McCall, were as follows, to-wit:


NAYS—Messrs. Beatty, Cunningham, Crucher, Curnell, Davis, Given, W. Green, J. Hughes, A. S. Hughes, Harlin, Minpier, M. Martin, Pope, Rodman, Slaughter, Wood and White—17.

And then the Senate adjourned.
The Senate assembled.
Mr. Wickliffe presented the petition of the vestry of the episcopal church at Lexington, praying that a law may pass, authorizing the church Wardens of said church, to manage and govern the secular affairs thereof.
Which petition was received, read and referred to a select committee of Messrs. Wickliffe, Hickman, Taylor and M'Millan.
Mr. Daviess from the committee of courts of justice, to whom was referred a bill to regulate civil proceedings against certain communities, having property in common, reported the same without amendment.
Mr. Beatty moved to lay the said bill on the table, until the first day of June next.
And the question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon, by Messrs. Wickliffe and Beatty were as follows, viz:
Mr. Crutcher then moved that the Senate do now resolve itself into a committee of the whole House, on the state of the commonwealth.
And the question being taken thereon, it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Crutcher and Slaughter were as follows, viz:
Mr. Faulkner was called to the chair; after some time spent in the committee, Mr. Speaker resumed the chair and Mr. Faulkner reported, that the committee had, according to order, had under consideration, the report of the committee of internal improvements, and had made some progress therein, but not having time to go through the same, had instructed him to ask leave to sit again.
Which was granted.
A message was received from the House of Representatives, announcing the passage of a bill, entitled, "an act to add an additional justice of the peace to the county of Boone."
A message from the Governor by Mr. Pickett secretary of state.
Mr. Speaker—The Governor has approved and signed an enrolled bill which originated in the Senate, of the following title:
An act changing the time of holding the Anderson and Laurel circuit courts, and for other purposes.
And a resolution entitled:
A resolution for appointing a joint committee to examine the charges preferred against J. H. Holeman, public printer.
And then he withdrew.
And then the Senate adjourned.

WEDNESDAY, JANUARY 23, 1828.

The Senate assembled.
Mr. Smith from the committee of religion, made the following report, to-wit:
The committee of religion have, according to order, had under consideration sundry bills to them referred, and have come to the following resolutions thereupon, to-wit:
Resolved, That the bill from the House of Representatives, entitled, "an act for the benefit of Amelia Kerly," ought not to pass.
Resolved, That the bill from the House of Representatives, entitled, "an act to restore Mary Drysdale to the privileges of a feme sole," ought not to pass.

Which being twice read, was concurred in, and so the said bills were disagreed to.
Ordered, That Mr. Smith inform the House of Representatives thereof.

Mr. A. S. Hughes from the select committee to whom was referred, a bill to provide for the appointment of commissioners of public works, and for other purposes, reported the same with an amendment.

Which being twice read was concurred in; and the said bill was re-committed to the committee of internal improvements.
Mr. Fleming from the committee to whom was referred, a bill more effectually to guard the occupant of land, reported the same with amendments;
Which being twice read were concurred in.
Ordered, That the said bill be engrossed and read a third time tomorrow.

The Speaker laid before the Senate, a letter from the Auditor of public accounts, which was read as follows, to-wit:
DEAR SIR—I was informed last evening, from undoubted authority, that a Senator arose in his place on yesterday, and stated "that at a proper time, he would prove to the satisfaction of the Senate, that monies had been improperly drawn from the Treasury," and when called upon to know whether he meant to say, that the Treasurer had improperly used monies of the state, he replied, that he did not allude to the Treasurer, but that he meant the Auditor. It is scarcely necessary for me to urge upon the Senate, the impropriety of permitting the legislature to adjourn and return to their respective homes, under a belief that the Auditor of public accounts, was either conniving at, or participating in an illicit use of the public funds; in any way whatever: I will therefore, beg you, Sir, to lay before the Senate this communication, with a request that a committee may be raised, clothed with the special power to investigate this matter, and make report to the Senate. Your compliance will very much oblige,

Yours, &c.

PORTER CLAY, Auditor.

Hon. Robert B. M'Affee, Lt. Gov. and Speaker of the Senate.

On motion—Ordered, That Mr. M'Connell be added to the committee to whom was referred, the report of the Cashier of the Bank of the Commonwealth of Kentucky, and that the said committee have power to send for persons, papers and records for their information.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole house, on the state of the Commonwealth, Mr. Given in the chair; after some time spent therein, Mr. Speaker resumed the chair, and Mr. Given reported, that the committee had, according to order, had under consideration, the report of the committee of internal improvements, made on the 7th instant, and had gone through the same and made sundry amendments thereto.

Which amendments were twice read and concurred in.

Mr. Carneal moved to amend the first resolution by substituting in lieu thereof, the following:

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be instructed, and our Representatives be requested to use their best exertions to procure the passage of a law to set apart a portion of the National revenue of the United States, for the purpose of internal improvements, and that such fund shall be distributed among the several states, according to some equitable ratio, for the purpose of internal improvements, in such way as may be pointed out by such states. And the question being taken on concurring in the said amendment, it was decided in the negative.
The yeas and nays being required thereon by Messrs. Carneal and Cockeill, were as follows, to-wit:


And then the Senate adjourned.

THURSDAY, JANUARY 24, 1828.

The Senate assembled.

Mr. J. Green from the committee of courts of justice, to whom was referred, a bill from the House of Representatives, entitled, "an act to amend an act entitled, an act to incorporate the Cumberland college at Princeton," reported the same with the following resolution:

Resolved, That the said bill ought not to pass.

Which being twice read, was concurred in, and so the said bill was disagreed to.

Ordered, That Mr. Smith inform the House of Representatives thereof.

Mr. Smith from the committee of religion, made the following report, to-wit:

The committee of religion have, according to order, had under consideration, a bill from the House of Representatives, entitled, "an act for the benefit of William and Martha Whitworth," to them referred, and have come to the following resolution thereupon, to-wit:

Resolved, That said bill ought not to pass.

Which being twice read, was concurred in, and so the said bill was disagreed to.

Ordered, That Mr. Smith inform the House of Representatives thereof.

Mr. Beatty from the committee appointed to examine the Transylvania University and its concerns, made a report;

Which being read, was recommitted to a select committee of Messrs. M'Connell, Wickliffe, Pope, A. S. Hughes, W. Green and Hickman.

Mr. Beatty from the same committee, reported a bill further to regulate the Transylvania University.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with,
it was committed to a select committee of Messrs. M'Connell, Wickliff, Pope, A. S. Hughes, W. Green and Hickman.

A message from the House of Representatives by Mr. Duvall:

Mr. Speaker—The House of Representatives have received official information, that the Governor has approved and signed enrolled bills which originated in the House of Representatives of the following titles:

An act to alter the time of holding the Anderson county courts and for other purposes.

An act for the benefit of John C. Rogers sheriff of Ohio county.

An act to legalize the proceedings of the Grant county court at an extra term of said court.

An act for the benefit Frances Vanscoik.

An act for the benefit of David and Elizabeth E. Jones.

An act for the benefit of the sheriff of Scott county.

And then he withdrew.

Mr. Allen from the joint committee appointed to examine into the charges exhibited against Jacob H. Holeman, public printer, made the following report. to-wit:

The joint committee of the Senate and House of Representatives, have had under their consideration, certain charges preferred by A. G. Meriwether, against Jacob H. Holeman, public printer for the state; your committee have examined sundry witnesses, touching the charges and defence as set up by said Holeman, in his response to said charges, all of which is here-with submitted, and made part of this report:

As to the first charge, your committee are of opinion, from the evidence adduced, that J. H. Holeman printed the lists of non-residents lands agreeably to the instructions of the Auditor of public accounts, and whether legal or not, we concur in opinion that no censure can attach to the public printer.

Your committee are of opinion that the second charge is not sustained.

As to the third charge, your committee are of opinion, that in the account settled by the Auditor with Holeman, for finishing the journals for the year 1824-5, there is an error, or over charge of thirty-five dollars and fifty cents, originating, most probably from an error in the appropriation act of 1824-5, for which said Holeman is not liable to censure, but which ought to be refunded to the Commonwealth; Wherefore.

Resolved, That the said sum of thirty-five dollars and fifty cents be retained out of any allowance that may be made to the said J. H. Holeman for public printing for the year 1827.

JAMES ALLEN, Chairman of committee of the Senate.

Mr. Dudley moved to amend the said report by inserting in lieu thereof the following, to-wit:
The committee to whom was referred the letter of A. G. Merrick, preferring charges against the official conduct of J. H. Holeman, public printer, have had that subject under consideration, and submit the following report:

1st. charge. For a violation of the law concerning the publication of non-residents lands, in the newspaper of the public printer, called the "Spirit of '76" in the year 1826, both as to time and number of copies, by which the sales are rendered null and void, and a considerable sum of money surreptitiously obtained from the treasury.

To which Mr. Holeman responded as follows:

In regard to the first charge, all that I can say, is, if the lists of non-residents lands have not been properly printed and circulated, the respondent is yet ignorant in what the irregularity consists. The facts will be presented to the committee, and they will determine. This much is said, that as to the number of publications and the circulation given, all was done, which the auditor considered requisite, his directions were pursued. The undersigned was, when elected public printer, part owner of the Commentator; prior to the period when these publications were to be made, he sold out that establishment and published the "Spirit of '76" which was originally intended to be temporary. The time, for which according to the original purpose that paper was to have been printed, expired before the publication of the non-residents lands was completed. But the publication of these lists was continued in extra numbers of the "Spirit of '76" until the number of publications were completed. These sheets were circulated extensively and generally. For a more detailed explanation Messrs. J. B. Fulks and John H. Ransdale, who were in the employment of the undersigned, are requested to be examined by the committee. This much is avered; no more was drawn from the treasury than was due for the publications, and deemed correct by the auditor.

The law in relation to advertising non-residents lands provides:

Sec. 4. "So much of the act entitled, an act concerning the sales of non-residents lands for taxes, approved December the 25th, 1820, as requires the lands of non-residents to be advertised as heretofore, be, and the same is hereby repealed; and instead thereof, it shall be the duty of the auditor, when three years tax and interest become due on the lands aforesaid, as provided in the above recited act, to advertise the same for three months successively, previous to the first day of November, in the newspaper of the public printer, twice in each month, stating the amount of tax, interest and cost due on each tract, and if the same be unpaid on any tract or tracts of land on the day aforesaid, the same shall stand stricken off to the Commonwealth, and all the right title and interest of such non-residents, shall be thereby..."
vested in the Commonwealth; nevertheless the said lands may be redeemed as provided for in the above recited act.”

By the evidence given before the committee it appears, that Mr. Holeman parted with his interest in the newspaper called the Commentator, after he was elected public printer in 1825, and commenced the publication of a temporary paper called the Spirit of ’76, which paper ceased on the 3d day of August, 1826; from that time to the 1st of December following, Mr. Holeman then public printer, printed no newspaper. It is therefore obvious that the advertisement of the sale of non-residents lands could not be made during that time in “the newspaper of the public printer,” as required by law, but it is in evidence that lists of non-residents lands were printed on a half sheet of paper in the form of the Spirit of ’76 extra, some of which issued in August, and others in September and October, the first publication being made about the middle of August, not three months previous to the 1st day of November, as required by law.

To whom these lists were forwarded, whether to the subscribers to the “Spirit of ’76” which was extinct, or to the subscribers to the “Spirit of ’76” which did not exist until December following, or to individuals at the discretion of the public printer does not appear, nor is it considered important. Names cannot alter things. The calling of the paper “the Spirit of ’76 extra”, when no newspaper entitled “the Spirit of ’76” in fact existed, did not make an advertisement in the newspaper of the public printer. It was nothing more than a hand-bill publication, in no essential point corresponding with the law. The advertisement therefore not being legal, all sales made in pursuance thereof must be void, and consequently, not only the money drawn from the treasury by the public printer, but all the other expenses of the sales must be a clear loss to the state.

The second charge is as follows:

2d charge. For applying the money advanced for the purchase of paper to his own use, and obtaining time upon the purchase of that article, and to compensate the maker for the credit obtained for his own benefit, compels the state to pay something like one fourth or one fifth more than individuals pay for the same article.

To this charge Mr. Holeman made the following response:

In regard to the second charge, this respondent admits that when the money appropriated to him is drawn from the treasury, he does not deposit it to be exclusively applied to the purchase of paper, or to the payment of Journeymen employed in printing for the state; but uses it as other money to answer his most immediate necessities: supplying from that and any funds he may have, means for paying for both paper and labor. If however he has charged the state more than the paper would in the fair and
ordinary course of business have cost, he has acted improperly. But he refers to the Messrs. Johnson's from whom he has long purchased his paper, to inform the committee whether he has wronged the state in his charge, and whether they have not furnished him the paper upon the terms he has had it, at the cash selling price, and as low as if he had paid the money in hand. It is believed that the same price has been charged which has usually been given to former public printers, and it is well known to every member of the Legislature, that the paper is of a much better quality."

The evidence sustains this charge so far as respects Mr. Holeman's applying the money paid him in advance by the Legislature to his own use, and purchasing the paper on a long credit, but it does not appear that he paid more for the paper than others under like circumstances. Your committee see no ground for any material censure in relation to this charge.

The third charge is as follows:

3d charge. For his peculations upon the treasury in his account settled with the auditor, after the close of the session of 1824, by means of an accidental error committed in the appropriation bill (of which error it is believed,) he was fully apprised, and by which he obtained nearly $100, which had been previously settled and paid.

To this charge Mr. Holeman responded as follows:

"With regard to the third charge, this respondent says, that he was entirely unconscious that any apparent discrepancy was displayed between his account as rendered to the Legislature in 1824 and 5, and the sum appropriated to him by the Legislature. Upon reading the charge, his first apprehension was, that his account for publishing the Journals had been incorrect, and when upon perusing his principal account, and that adjusted by the auditor subsequent to the adjournment of the Legislature, he found all correct, he really was satisfied that the eye of malignity had failed in its purpose, and that the search of enmity could detect no error. A friend, however, who was called in to aid the examination, suggests, the charge of peculation rests upon a difference which is found between the account marked (A) which was submitted to the Legislature, and is endorsed "allowed" amounting to $1951 75 and the appropriation of $1976 51. How this difference occurred, after the lapse of time which has taken place, I do not pretend to intimate. I drew from the treasury that which was appropriated, and never until within the last hour was apprised that any difference existed between my account and the appropriation. This difference is $25, too small a sum to be the price of corruption to the meanest and lowest of your servants. It is hardly to be believed this appropriation would have been made, unless with good reason. The representatives
of the people are not accustomed to be careless of their funds, and the appropriation bill is always critically and scrupulously examined.

At this distance of time, no particular is remembered relative to the transaction; but the most natural inference is, that some small account, in addition to that referred to, was presented and allowed, making up this apparent difference. This seems more reasonable, than to imagine that the House of Representatives and the Senate would have made a mistake, and that an appropriation after passing through the ordeal of such criticism, would not have been purified from error. If however, it is thought that an error exists, this respondent can say nothing, except that he never had known it until now. And now, as soon as discovered, he is ready to make the correction. This respondent took it for granted, that what was appropriated to him by the Legislature was due to him, and drew the money without reference to the accounts.

It was proved to your committee by the oath of James G. Dana, Mr. Holeman's former partner, as well as by an act of Assembly, Mr. Holeman's accounts rendered and the partnership books of Dana and Holeman, that in the year 1824, the Legislature allowed to Mr. Holeman in the appropriation bill $1976.51 being full compensation for the Journals of the House of Representatives up to page 404, and by mistake in the same bill, authorized the auditor to settle his account for printing the balance of the same Journal, commencing at page 366. This mistake Mr. Holeman discovered before the account was settled, and mentioned it to his partner with some degree of exultation. With a full knowledge of this mistake he afterwards made out his account, commencing at page 366, covering 39 pages which he knew had already been paid for $35, swore to its correctness and drew the money; and instead of charging himself with it on the partnership books, put it into his own pocket, which was not discovered until October last, when Mr. Dana ascertained the fact by examining the account settled with the auditor, and by which there appears to have been drawn improperly from the treasury about $82.50. There is also an item of $35 in the same account for a map furnished for the Journal. By examination there is no map or anything like a map in that part of the Journal printed subsequent to the rendition of his account by the committee up to page 365, and there was no authority for the auditor to go back beyond that page in the settlement. Mr. Holeman endeavors to explain this charge, by saying it meant the bank report, which was printed on a half sheet of paper, folded and directed to face page 63. This explanation your committee cannot admit, because in the account there is a charge of $35 for that document printed for the use of the members, by or
of the House, and it is also calculated as four pages of rule and figure work, in making out the account for the Journals (without that, there are four pages charged of rule and figure work, more than the Journal contains.) It therefore appears that he charged $8.33 for two months' office rent, when he had already been allowed office rent for the public printer's year, the work of which he was only finishing.

Mr. Holman's account rendered to the committee of claims, on which the allowance in the appropriation bill of 1824 was founded and which constituted part of the evidence in this case, was taken from the table during the setting of the committee, by an unknown hand, and has not since been found, the rest of the evidence is herewith submitted. Your committee think the following resolutions, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the first and third charge exhibited...
The question was then taken on adopting the resolution reported by the committee, and it was decided in the affirmative unanimously.

The yeas and nays being required thereon by Messrs. Carneal and Garrard, were as follows, viz.


Mr. Allen moved to amend the latter part of the said report by striking out the words "for which said Holeman is not liable to censure but," printed in italics.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hickman and Allen, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Cockerill, Davies, Dudley, Daniel, J. Green, J. Hughes, A. S. Hughes, Rodman, Selby and Smith—12.


The said report was then concurred in.

A message from the House of Representatives by Mr. Hanson, Mr. Speaker—The House of Representatives have passed a bill entitled, "an act to expedite the trial of civil actions," in which they request the concurrence of the Senate.

And then he withdrew.

Mr. Carneal moved a call of the House;

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Carneal and Lockett, were as follows, to-wit:

A bill to regulate civil proceedings against certain communities having property in common, was taken up.

Mr. Wickliffe moved to amend the said bill by adding thereto the following section:

And be it enacted, That it shall be lawful for the religious society aforesaid, for any wrong done to their rights, to sue by that name, any law to the contrary notwithstanding.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe, and McConnell, were as follows, to wit:

**YEAS**—Messrs. Beatty, Crutcher, Carneal, Gibson, J. Hughes, Harris, Rodman, Selby, Summers, Smith, and Wickliffe—11.


Mr. Wickliffe moved to amend the said bill by adding thereto the following six sections:

Sec. 1. Be it enacted, That no suit shall be brought against any individual of the societies called Shakers, for any contract express or implied, of the said society.

Sec. 2. Be it further enacted, That no judgment or decree shall affect the individual property of the members of the society, not held in common.

Sec. 3. Be it further enacted, That it shall not be lawful for any person to sue said societies or any member of the society, for any contract, express or implied, of the societies, except in the form prescribed in this act.

Sec. 4. Be it further enacted, That no member of said society shall have authority to transact the business, or contract for the use of the society, without a written power, over fifty dollars, in any one contract.

Sec. 5. Be it further enacted, That the provisions of this bill shall apply to all religious societies who hold property in common, who shall be entitled to all the immunities provided for in this act.

Sec. 6. Be it further enacted, That no one of the provisions of this act shall apply to the existing contracts of the Shakers, and other individuals, but apply to contracts hereafter to be made.

A division of the question was called for, and the question was taken on adopting the first section of the said amendment, and it was decided in the negative.
The yeas and nays being required thereon by Messrs. Wickliffe and Garrard, were as follows, to wit:


The question was then taken on adopting the second section of the said amendment, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Carneal, were as follows, viz:


The question was taken on adopting the third section of the said amendment, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Garrard, were as follows, viz:


The question was taken on adopting the fourth section of the said amendment, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Garrard, were as follows:


The question was taken on adopting the fifth section of the said amendment, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Garrard, were as follows, to wit:

NAYS—Messrs. Allen, Cockrell, Cunningham, Carneal, Davies, Dudley, Daniel, Faulkner, Fleming, J. Green, J. Hughes, A. S. Hughes, Hardin, Hickman, Harris, Maupin, M-
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The question was taken on adopting the sixth section of the said amendment, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Carneal, were as follows, to-wit:


The question was then taken on engrossing the said bill and reading it a third time to-morrow, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Garrard and Carneal, were as follows, to-wit:


A bill for the benefit of Matthew H. Jouitt's heirs, was read the second time, and ordered to be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Daniel carry the said bill to the House of Representatives, and request their concurrence.

The yeas and nays being required on the passage of the said bill by Messrs. J. Green and M'Connell, were as follows, to-wit:


A bill concerning the Lunatic Asylum and a bill concerning the Turnpike and Wilderness road; were each read a second time and committed; the former to a committee of Messrs. Dudley,
Carneal and Pope, and the latter to a committee of Messrs. Gar­
rand, J. Green, Beatty, Hickman, A. S. Hughes and Woods.
Bills from the House of Representatives of the following titles:
An act for the benefit of Judith Sibley and others.
An act for the benefit of Michael Hulflaker. And,
An act to enable the executor of Thomas Ely to carry into
effect his will.
Were severally read the first time; and the question being
taken on reading them a second time, it was decided in the ne­
gative, and so the said bills were disagreed to.
Ordered, That Mr. Cockerill inform the House of Represen
tatives thereof.
Bills from the House of Representatives of the following titles:
1. An act to authorize the sale of certain streets in the town
of Russellville.
2. An act declaring Beaver creek a navigable stream.
3. An act further to regulate appeal bonds.
4. An act for the benefit of Polly Burnett and children.
5. An act to provide for building bridges across certain water
courses in Greenup county.
6. An act for the regulation of the inspection of tobacco, and
for other purposes.
7. An act for the benefit of John Gibson. And,
8. An act for the benefit of Robert Patterson.
Were severally read the first time and ordered to be read a
second time.
And thereupon the rule of the Senate, constitutional provi­
sion, and second reading of the sixth, and second and third readings of
the fourth bills having been dispensed with, the sixth was com­
mited to a select committee of Messrs. Woods, Lockett, Carneal
and Faulkner.
Resolved, That the fourth bill do pass, and that the title thereof
be as aforesaid.
Ordered, That Mr. Garrand inform the House of Represent­
tatives thereof.
And then the Senate adjourned.

FRIDAY, JANUARY 25, 1828.

The Senate assembled.
Mr. White presented the petition of John Garvin, attorney in
fact for Mary Patterson, guardian of the infant heirs of William
Patterson deceased, praying that a law may pass authorizing the
sale of a tract of land lying in Hardin county, belonging to the
said infants.
Mr. J. Green presented the memorial of Andrew M'Calla and
the memorial of Martha M'Calla against the passage of a law giv
ing the commissioners of the Lunatic Asylum at Lexington, power to reduce the salary of the superintendent of that institution.

Which were received, read and referred; the said petition to the committee of courts of justice, and the said memorials with the accompanying documents, to the committee to whom was referred a bill concerning the Lunatic Asylum.

Mr. Wickliffe from the committee of internal improvements, made the following report, to-wit:

The committee of internal improvements have had under consideration, sundry petitions to them referred, and report:

On the petition of the citizens of Barren county, praying an appropriation to open little Barren river, that it is inexpedient at this time, to make such appropriation.

On the petition of sundry citizens, praying that a road may be opened from Smithland to Russellville, that said petition is reasonable.

On the petition of sundry citizens for a law to pass providing for the improvement of the navigation of South Licking, is reasonable.

Which being twice read. Mr. Maupin moved to amend the first clause of the said report by striking out "inexpedient" printed in italics, and inserting in lieu thereof, "expedient."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Maupin and Carneal, were as follows, to-wit:

YEAS—Messrs. Allen, Beatty, Cunningham, Davies, Dudley, J. Hughes, A. S. Hughes, Harris, Maupin, M'Millen, Pope, Rodman, Wood and Woods—14.


The said report was then concurred in.

Ordered, That the committee of internal improvements prepare and bring in a bill pursuant thereto.

Ordered, That the said committee be discharged from the further consideration of the several subjects referred to them by resolutions of the Senate.

Mr. Wickliffe from the same committee, made the following report, to-wit:

With regard to the objects of Internal improvements, which ought to be undertaken by the state, your committee are unprepared to enter into details, not only for the want of the special and minute information indispensable, at all times, to the formation of correct opinions, but from the present condition of the finances of the state. It seems to the committee, however, that
the state ought to embark, at this time, in no heavy disbursements, and that such expenditures should not be made until surveys and estimates are specially ordered and submitted to the legislature. Your committee will, therefore, content themselves with suggesting the propriety of the Senate devising some permanent plan for the carrying on public works, by establishing a board of public works, whose duty it shall be to superintend the surveying and laying out any road or roads, which the legislature may, from time to time, order to be established, and to superintend such other objects of internal improvements as the legislature may provide for by law; Your committee have, as will be seen, placed much reliance upon the establishment of a national road through the state by Congress, and of course have predicated all their other designs in reference to such road; hoping that if Congress shall fail to engage in making such road, that the state will, at no distant day, cause it to be opened, (as far as it is designed to pass through this state,) they therefore recommend to the Senate, to consider such road as designed to be constructed in all their plans; for canalling or making state roads, your committee think that among the first roads that should be constructed is a road to intersect the proposed national road at Lexington, to pass from thence to Louisville; that another road should be commenced at Danville, passing through Springfield and Bardstown to Louisville—that another road should be constructed from a point to be fixed on by the board of public works on said road, so as to strike the Ohio at the mouth of Clover creek or at Owenborough, that another road should be constructed from about Millersburg in a direction to meet the state road now opening by the state of Virginia, many other portions of the state require the aid and attention of the legislature, which must wait until the means of the country will enable the legislature to satisfy their just claims on legislative beneficence. As Kentucky from the Allegheny mountains, presents an inclined plain to the Ohio river, and all our streams take their rise in those mountains and descend into the Ohio, it is considered by the committee, that canalling, to any great extent, will not be considered a subject demanding the attention of the Senate. It appears to the committee however, that it is worthy the deliberation of the legislature, to consider how far the navigation of our streams can be improved by dams, with suitable locks, but as the committee have not had the aid of an experienced engineer, to assist them in their deliberations on this subject, they are not prepared to do more at this time, than to recommend to the Senate the employment of such officer; and after obtaining an estimate of the cost of daming and locking some one of our rivers, if it shall appear to the Senate, that the scheme is practicable, and will be attended with a benefit equal to the expenditure necessary to ef
...cept the object, your committee recommend that the experiment shall be made upon some one of our rivers.

In recommending a permanent plan of carrying on public works, your committee has had considerable difficulty. They were strongly inclined to leave the supervision and details of such works, with the legislature and the executive, without the intervention of an intermediary body; but their best reflections on the subject, induce them to recommend the establishment of a distinct body, whose peculiar duty it shall be to carry into effect all such public works, as the legislature may by law direct to be constructed. They would also, suggest the propriety of selecting this board, equally from the three great natural divisions of the state, in proportion to the number of the representatives from each division. They further recommend, that the legislature, by law, set apart a portion of the revenue, to be styled the internal improvement fund, and that this fund be annually disbursed in improvements in each of the aforesaid divisions, according to the representation in the legislature of each division. To that end, your committee offer to the Senate the following resolutions.

Resolved, That a board of internal improvement be established, to consist of members, any three of whom, shall be a board to do business—to consist of the Governor of the state, for the time being, and members to be annually chosen by the legislature, at least, one of whom shall reside on the north of the Kentucky river, and one to reside south of the Kentucky, and north of Green river, and one to reside south of Green river, of which board, the Governor shall be ex-officio chairman when present, and in his absence, the members present to elect a chairman.

Resolved further, That the committee on finance, be directed to prepare and bring in a bill, setting apart such parts of the revenue, and other funds of the state, for the purpose of internal improvements, as in the opinion of the said committee, the situation of the public finances will admit of, and the public good may require.

Resolved further, That the committee on internal improvements, be directed to prepare and bring in a bill, providing for the establishment of a board of public works. Your committee have turned their attention, to the method pursued to open and keep in repair, the highways in each county in the state, and are satisfied, that the system is radically defective, and needs reform, and with a view to such reform, your committee herewith report:

A bill entitled, an act to provide for the opening and keeping in repair, the public roads in the several counties in this Commonwealth.
The said bill was read the first time and ordered to be read the second time.

Ordered, That the public printer, print one hundred and fifty copies of the said report and bill for the use of the General Assembly.

A message was received from the House of Representatives, announcing the adoption of a resolution fixing on a day for the election of public officers.

The said resolution was taken up, twice read and concurred in.

Ordered, That Mr. Cockerill inform the House of Representatives thereof.

A message was received from the House of Representatives, announcing the passage of a bill, entitled, "an act for the benefit of the heirs of Thomas Gooch deceased."

Mr. Wickhirk from the committee appointed for that purpose, reported a bill for the benefit of the Episcopal Church at Lexington, which was read the first time as follows, to-wit:

WHEREAS the vestry of the Episcopal Church at Lexington, have petitioned the General Assembly, on the part of the pew holders of said Church, representing that it is necessary and proper, for the government, order and support of the Church, that a power should be vested in some person or persons, to take care of the Church and superintend and protect the property from waste, as well as to acquire ground, &c. not exceeding five acres of ground for their use, as well as otherwise to manage the secular concerns of the Church:

Be it therefore enacted, That John W. Hunt and William Morton, the present wardens of said Church be, and they are hereby vested with full power to hold, possess and keep free from injury and trespass, the said Church and its appurtenances, and to acquire by purchase or otherwise, any quantity of ground not exceeding five acres, for a burial ground or such other pious uses as the said Church may think proper to apply it, and the same to hold to them and their successors in office; and the said wardens and their successors in office, are hereby given full power to sue in their names, for all monies or other things due to said congregation, or which may hereafter become due, or to bring any other action which may be necessary to preserve the rights of said Church or congregation over such property; and further, therefore, by suit to enforce all contracts made by the congregation, or any of its members, either for repairs or improvements on their property, or for sums due to the pastors or others, from the Church.

Be it further enacted, That where any person, pew holder or pew holders in said Church, shall fail to make payment of the sums such pew holder or pew holders owe to the pastor or for expenses to the Church, the congregation of said Church shall have full power by a by-law or rule of said Church, to vest the war-
The yeas and nays being required thereon by Messrs. Hardin and Maupin, were as follows, to-wit:

YEAS—Messrs. Beatty, Cunningham, Crutcher, Cuman, W. Green, J. Green, Garnard, J. Hughes, Lockett, M'Connell, Mulvane, Rodman, Slaughter, Summers, Taylor, White and Wickliffe—17.


Mr. Daniel from the joint committee appointed to examine the Penitentiary, made the following report, to-wit:

The joint committee raised by the Senate and House of Representatives, to examine and report the situation of the Penitentiary, beg leave to make the following statement in relation thereto, to-wit:

It is with pleasure that they can say to you, that the cells where the convicts are kept, are well secured, clean and comfortable, and the convicts generally healthy, and each and every one of them seemed to be pursuing, with cheerfulness and activity, their several employments; their clothing is comfortable and warm, and they are furnished with plenty of wholesome and substantial food.

It is gratifying to your committee, that they are enabled to say, that the institution is in a prosperous condition, and that each and every one of the convicts seemed to understand with tolerable accuracy, the different branches of mechanism at which they were employed. Your committee examined in part, the journal and ledger in which the accounts of the institution are kept by double entry, and found them in good order and fair hand writing; the clerk was prompt in giving every information required of him in relation to the accountant department of the institution, and your committee believe that he has kept a faithful and honest account of the concerns of the institution; the balance sheet taken from the general account current, kept by the institution, shows debts due to the institution, by notes and accounts, to the amount of $12,000 41.

Raw materials and manufactured articles on hand 2,500 00.

Amount orders drawn on the agent by the commissioners appointed to superintend the building of
the Capitol, honored and paid by him in articles manufactured in the Penitentiary 1,495 50
Debts due from the Penitentiary 3,000 00

The keeper stated to your committee that the above statement is entirely exclusive of the contract made by the commissioners appointed to superintend the building of the Capitol and himself, for building stone, &c.

Your committee are of opinion that the keeper ought not to be called upon, to pay over to the Treasury the $1000 which by his contract with the government, he was bound to pay for the last year, but that the building commissioners aforesaid, ought to settle it with him in his account against them, for stone furnished them to build the capitol.

All which is respectfully submitted.

JESSE DANIEL, FRANCIS LOCKETT, MARTIN BEATTY, ABM. BOYD, BOONE INGELS, THO. HALE, JONATHAN SIMPSON, JAMES TRUE, JR. JOSEPH SECREST.

Mr. Allen from the committee to whom was referred, the nominations of Pleasant Sandridge as brigadier general of the tenth brigade, vice Samuel Wilson resigned, and John G. Boyd, lieutenant colonel of the 78th regiment, vice Absalom Oldham promoted, reported that the committee had, according to order, had the subject under consideration, and come to the following resolution thereon, to wit:

Resolved, That the Senate do advise and consent to the appointments aforesaid.

Which being twice read, was concurred in.

Ordered, That Mr. Allen inform the Governor thereof.

Mr. Lockett moved to take up the resolution moved by Mr. Allen on the 18th instant.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. J. Green and Lockett, were as follows, viz:


NAYS—Messrs. Carneal, Harris, Pope and Slaughter—4.
On the motion of Mr. Wickliffe the said resolution was laid on the table, and the report of the committee of internal improvements, made by Mr. Wickliffe on the 7th instant was taken up.

Mr. Beatty moved to amend the first resolution by substituting therein the following, to-wit:

1. Resolved by the members of the Senate and House of Representatives of the Commonwealth of Kentucky, That it is the deliberate opinion of both branches of the Legislature, that the government of the United States constitutionally possess the power to make and construct canals and roads within the United States and territories belonging to and under the government of the United States for the purpose of furthering the military operations of the government and the transportation of the mail; and the said government has the right to judge and decide when those objects call for and demand such improvements.

2. Be it further resolved by the members aforesaid, That we most cordially approve of the policy of the present administration in its efforts to extend the great national road from Wheeling to Columbus, in the state of Ohio, thence to Indianapolis in the state of Indiana, thence to Vandalia in the state of Illinois, and thence to St. Louis in the state of Missouri; and we equally approve the policy in extending a branch of said road by Chillicothe in the state of Ohio, thence to Maysville and Lexington in the state of Kentucky, thence to Nashville in the state of Tennessee.

3. And be it further resolved, That a committee of from the Senate and from the House of Representatives, be appointed to prepare a memorial and address to the Congress of the United States, more at large and in detail, expressing the sentiments of this Legislature, in conformity to this resolution.

4. And be it further resolved, That our Senators be, and they are hereby instructed, and our representatives in Congress requested to bring the subject of these resolutions before the Congress of the United States, to obtain appropriations to effectuate the policy herein pointed out and approved of.

5. This Legislature views with deep concern, and feelings of just indignation, the efforts that are now making throughout the United States, to blast the reputation of the distinguished members in Congress from this state, who voted for John Q. Adams to be President of the United States; they have no hesitation in saying, that it is their confirmed opinion from great deliberation and a full examination of all the facts and evidence adduced, that the charges of bargain, sale and corruption in the election of John Quincy Adams are utterly false and malicious; that they are brought forward and endeavor to be sustained for party purposes, and to elevate General Jackson to the office of President of the United States.
6. Be it further resolved: That we approve of the appointment of our fellow citizen Henry Clay, to the office of Secretary of State.

7. Resolved, That we approve of the measures of the present administration, believing them to be wise, judicious and well calculated to preserve and perpetuate our republican institutions in their true spirit, as handed down to us by our illustrious Presidents, Washington, Jefferson, Madison and Monroe, the wisdom and policy of whose measures are displayed by the proud march of this nation, to an elevation of prosperity and happiness heretofore unknown in the annals of the world.

8. Resolved, That we disapprove of the opposition made in the Senate, at the last session of Congress to the right to exchange the six per cent stock for five per cent stock, by which the government lost a large sum of money, and we are fearful that party views, and not public interest actuated said opposition.

The said report and amendments were laid on the table.

The said resolution moved by Mr. Allen was again taken up.

Mr. McComb moved to amend the said resolution to make it read as follows, to-wit:

Whereas by an amendment proposed to the report and resolutions of the committee on internal improvement, the following subjects are brought before the Senate, upon which they are required to decide, to-wit:

"This legislature view, with deep concern and feeling of just indignation, the efforts that are now making throughout the United States, to blast the reputation of the distinguished members of Congress from this state, who voted for John Q. Adams, to be President of the United States. They have no hesitation in saying, that it is their confirmed opinion, from great deliberation and a full examination of all the facts and evidence adduced, that the charges of bargain, sale and corruption, in the election of John Q. Adams, are utterly false and malicious; that they are brought forward and endeavored to be sustained for party purposes, and to elevate General Jackson to the office of President of the United States."

Therefore, to enable the Senate to examine into and investigate the transactions embraced in the foregoing amendment;

Resolved, That the Senate will hear, at the bar of the house, any "legal evidence" which may be adduced in relation to said charges.

Mr. Pope moved to amend the said amendment, by striking out "legal evidence" in the last line thereof, printed in italics, and inserting in lieu thereof "proper evidence."

And the question being taken thereon, it was decided in the affirmative; the Speaker voted in the affirmative.
The yeas and nays being required thereon, by Messrs. Pope and Daviess, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Cockrell, Carneal, Daviess, Dudley, Daniel, Given, J. Green, J. Hughes, A. S. Hughes, Harris, Mount, Pope, Rollman, Selby, Slaughter, Smith and Wood—19.


The said amendment was further amended by adding thereto the following additional resolution:

Resolved further. That the clerk of this house issue subpoenas upon the application of any Senator, for any witness or witnesses, paper or papers, which may be required, to appear on Thursday next, and the clerk shall keep an account of the names of the persons summoned, and of the Senator upon whose application they are summoned.

The said amendment moved by Mr. McConnell was then concurred in as amended.

The question was then taken on adopting the said resolution moved by Mr. Allen, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Carneal and Crutcher, were as follows, to wit:


NAYS—Messrs. Crutcher, Carneal, J. Green, Harris, Slaughter and Wood—6.

On the motion of Mr. Daviess, leave was given to bring in a bill to authorize the Auditor to settle the accounts of James I. Miles, late agent of the Penitentiary, and Messrs. Daviess, J. Green and Dudley were appointed a committee to prepare and bring in the same.

Mr. Garrard moved the following resolution, to wit:

Resolved, That a select committee be appointed to examine the commissioners books of Mercer county, returned to the Auditor's office for the year 1827, with power to send for persons and papers, and make a report to the Senate as early as practicable.

Which being twice read was adopted, and Messrs. Garrard, Pope and J. Green were appointed a committee pursuant thereto.

A resolution fixing a day for the adjournment of the General Assembly Sine Die, was taken up.
from the House of Representatives entitled, an act to alter the mode of taking in the lists of taxable property, reported the same with an amendment.

Which was twice read as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be appointed in each county in this state, by the county courts of the several counties, two proper persons to be commissioners for the purposes hereinafter expressed. Each commissioner so appointed before he begins to exercise the duties of his office, shall take the following oath or affirmation, (to-wit:) I, A B do solemnly swear, or affirm, as the case may be, that as commissioner of the county of

I will to the best of my skill and judgment, diligently and faithfully execute the duties of said office according to law, and that I will a true and perfect account render to the county court of the county aforesaid, of every day and part of every day in which I may be engaged in performing the duties aforesaid; and that I will, in all and every case in which I shall act, do impartial justice to the Commonwealth, as well as to the citizens thereof, according to the best of my skill and judgment. The said commissioners shall, on the 20th of next, or as soon thereafter as practicable, and on the same day of the same month, every year thereafter, proceed without delay, through their county, and call on every person therein, subject to taxation, or having property in his or her possession or care, on which any tax is imposed, for a written list thereof; which list being corrected, (if necessary,) and distinctly read by the said commissioners, or one of them, to the person delivering the same, he or she so delivering the list shall make oath or affirmation that such list is a true and perfect account of all persons and of every species of property subject to taxation belonging to or in his possession or care, on the day of proceeding, and that no contract, change or removal of property whatever has been made or entered into, or any other method devised, practised or used in order to evade the payment of taxes; which oath or affirmation the commissioner is hereby empowered to administer, and which it shall be his duty in every instance to administer. In case any person shall be absent from his place of residence, at the time the commissioner calls to receive his list, if it shall appear to the commissioner that such absence was not intentional, or done with a view of avoiding the delivery of said list, it shall be lawful for the commissioner to require the attendance of such absent person, with his or her list, at any time and place within his district; and in case of his or her refusing or neglecting, at such time and place, to attend with a list, the commissioner shall proceed in like manner as is hereinafter directed, in case of refusal to give in lists: and the court shall da-
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THE SENATE.

The Speaker said, after the reading of the resolution, that the same was before the Senate, and that the question was on the passage of the same.

Sec. 1. The commissioners, after collecting or making out the lists of taxable property within their respective districts, shall make out three alphabetical general lists, showing in proper columns, the amount and species of each person's taxable property, also the number in family of each person so taxed, distinguishing the number of free males and females, and also showing the number of males above sixteen and under twenty-one, and the number of males over twenty years of age; also, the number of slaves, distinguishing between males and females, and those above sixteen and those under sixteen years of age. Said commissioners shall also state and set forth, in each list, with convenient certainty and description, the number of acres of land, also the rate of the land, placing each tract in its proper class, the county in which it lies, and the water course on which it is situated, likewise in whose name entered, surveyed and patented, if a patent has issued, if those circumstances can be ascertained; which list shall be kept and delivered in the following manner:

Said commissioners shall deliver the list, together with the original lists taken from the said individuals, to the clerk of the county court of their county. who, having examined said lists and corrected any error that may appear therein, shall certify that they are true copies, and having retained one in his possession, shall return the other list, so certified, to the commissioner, who shall deliver one to the sheriff of his county, for his guide to collect the taxes, and another to the Auditor of Public Accounts, to be kept by him; which lists, or a certificate from the Auditor of the balance due, shall be admitted as evidence by any court in any suit or matter against the sheriff, for the amount of taxes charged against him: All which lists it is hereby declared to be the duty of the commissioners to have delivered to the persons above named, on or before the first day of September, in the year that they are appointed. The lists in the clerk's office shall serve for laying the county levy; and it may be examined and copies had therefrom, at the charge of the person or persons desiring the same. The county courts aforesaid, for good cause, may remove any commissioner from office, and appoint another in his stead, and may fill all vacancies that may happen by death, removal, resignation or otherwise.

Sec. 3. The said commissioners appointed by this act shall continue in office until their successors are appointed and duly qualified.

Sec. 4. The county court of each county shall make such allowance to the clerk for his services under this act, and not other.
provided for, as they shall think proper, not exceeding two dollars per day; and shall allow to each of the commissioners, for their services, one dollar for every day they shall be engaged in the execution of this act; and the said commissioners shall be exempt from militia duty during their continuance in office. And the sheriff of each county is hereby empowered and directed to pay the commissioners and clerks the amount of their respective allowances, to the clerk on his producing a certificate therefor from the county court, and to the commissioner on his producing a certificate from the Auditor of public accounts that such commissioner hath lodged in his office his book, with the necessary certificate thereon, and the amount of such allowance, and the parties receipts, shall be credited to the sheriff by the Auditor in settling his amount of taxes.

Sec. 5. If any person shall give or deliver to any commissioner a false or fraudulent list of persons or property subject to taxation, or shall refuse to give a list on oath or affirmation, when required by a commissioner, the person or persons so refusing or giving a false or fraudulent list, shall be liable to a fine of ten dollars; and the commissioner shall proceed to list such person's property agreeable to the best information he can procure. And all such property so ascertained shall be moreover subject to treble tax, to be collected and distrained by the sheriff as other taxes; which fine and treble taxes shall be recovered in the county court by the following mode of proceeding, and shall be applied as hereafter directed. The commissioner shall give information thereof personally, or if unable to attend, in writing, to the next court held for the county; which court shall forthwith direct the clerk to issue a summons, requiring the party to appear at the next court to be held for the county, to show cause, if any he can, why he shall not be fined and treble taxed for refusing to give in his list, or for giving in a false or fraudulent list, and the person being served therewith by the sheriff, and appearing, shall immediately plead to issue, and the matter thereof shall be enquired into by a jury, or the court, if the defendant do not request a jury; or the person failing to appear, on being summoned, the court shall proceed to give judgment and award execution for such fine and treble tax and costs, unless the court, for good cause, shall continue the same until the next court; and the court shall certify the amount of such fine and treble tax to the Auditor and the sheriff, that the same may be collected and accounted for. The amount of the fine and tax, with the costs, after deducting therefrom the clerks and sheriff's fees, and such allowance as the court may think reasonable to make the commissioners for their extraordinary trouble on the occasion, shall be charged to the sheriff, and accounted for in like manner as other taxes.
Sec. 6. The commissioner and clerk, shall in all cases before their accounts shall be allowed, file with the county court an account exhibiting a true statement of the number of days and parts of days they were respectively engaged in the duties assigned to them by this act, or any other law making them a per diem allowance, and make oath that said account contains a just and true statement of the number of days and parts of days which he hath been engaged in the business for which the charge is made.

Sec. 7. The said commissioners shall also take a true account of all mills, manufactories and distilleries in their respective districts, giving a succinct statement of the nature and amount of the mill, distillery and manufactory.

Sec. 8. The said commissioners shall also state in such several lists the number in each family of the persons, setting forth and distinguishing between the males and females. They shall also state and set forth the number of free persons of color, distinguishing likewise between the males and females, and the number in each case over twenty-one and under twenty-one years of age.

Sec. 9. It shall be the duty of the county courts respectively, to lay off each county into two districts, and shall designate the district to which they appoint each commissioner.

Sec. 10. The Commonwealth shall have a lien upon all lands, slaves and every other property or thing taxed in kind; and if any person being the owner or chargeable for any land or slave, or other thing, taxed by a specified tax on the thing, licence, trade or occupation, shall sell or transfer the thing or business so taxed, or shall discontinue the business, or shall loose his land or slave by death or otherwise, he shall be at liberty to sue for such death or change in his tax list to the county court; which the clerk shall enter in the commissioner's book in his office, and certify the same to the sheriff and auditor free of expense as aforesaid. In which list the applicant shall state the name of the person to whom sold or referred, or when he discontinued the business or the death of the slave, contained in his taxable list, and to whom and where the person to whom sold or transferred lives; and shall moreover annex to such statement an affidavit that the facts set forth are true, to the best of his or her knowledge and belief. And if the person to whom the property or any of it listed to the applicant shall have been transferred, shall be a resident of the county, it shall be the duty of the county court to order such person resident in the county, to be forthwith charged with the amount of taxes due from the time of the transfer, and to cause a list to be made out and certified as aforesaid. If any person however, making such application to have his tax list changed, shall have acquired any property or thing taxable, and be in possession of it at any time since he rendered his list of taxable property, he shall set forth and state what the property is and its value, for which he shall be charged, and the
Mr. Carneal moved for leave to bring in a bill for the benefit of Francis P. Blair.

And the question being taken on granting leave to bring in said bill, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hardin and J. Green, were as follows:


Bills from the House of Representatives of the following titles:

1. An act to legalize the proceedings of the trustees of the towns of Russellville and Madisonville.
2. An act to allow an additional constable to the county of Anderson and for other purposes.
3. An act to change the boundary line of the town of Henderson.
4. An act allowing the further time of one year for completing the Louisville and Portland canal.
5. An act to establish election precincts in certain counties.
6. An act allowing an additional justice of the peace in Todd county.
7. An act for the benefit of Thomas M. Smith, and to authorize the trustees of the Simpson county seminary to sell her donation lands.
8. An act to establish a seminary of learning in Anderson county, and for other purposes.
9. An act to alter the time of holding the Hart circuit court, and to extend the term of the Todd circuit court.
10. An act to extend the town of Joesville, at the mouth of Clover creek in Breckinridge county, and for other purposes.
11. An act to authorize clerks of courts to take recognizances in certain cases.
12. An act for establishing an additional precinct in Campbell county.
14. An act to incorporate the city of Louisville.
15. An act for the benefit of the heirs of William Barker, deceased.
16. An act authorizing circuit courts to decree the sale of slaves in certain cases.
17. An act further to regulate the town of Shepherdville.
18. And an act for the benefit of Tobins Moredock.

Were severally read the first time, and ordered to be read a
second time, except the second bill, which was laid on the table until the first day of June next.

And thereupon the rule of the Senate, constitutional provision, and second reading of the 4th, 5th, 8th and 17th bills having been dispensed with, the 4th was committed to a select committee of Messrs. M'Connell, Fleming, Muldrow and Hardin; the 5th to a committee of Messrs. Beatty, J. Hughes, Hardin and Cunningham; the 8th to a committee of Messrs. Dudley, M'Connell, Beatty and Wood, and the 7th to a committee of Messrs. Crutcher, Hardin, J. Hughes and Cunningham.

And the rule of the Senate, constitutional provision, and second and third readings of the 1st, 3d, 6th, 7th, 9th, 10th, 11th, 12th, 15th and 18th bills having been dispensed with;

Resolved, That the said bills do pass, and the titles thereof be as aforesaid.

Ordered, That Mr. Slaughter inform the House of Representatives thereof.

The yeas and nays being required on the passage of the 15th bill by Messrs. M'Connell and Gibson, were as follows, to-wit:


Mr. Crutcher moved to dispense with the orders of the day.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Crutcher and Maupin, were as follows, viz:


A bill from the House of Representatives, entitled, "an act for the benefit of Jesse Jackson, sheriff of Muhlenburg county," was read the third time as amended.

Resolved, That the said bill, as amended, do pass, and that the title be amended to read, an act for the benefit of certain sheriffs.

Ordered, That Mr. Cockerill inform the House of Representatives thereof, and request their concurrence in the said amendments.

A bill from the House of Representatives entitled, "an act to add a part of Gallatin county to the county of Owen," was read the first time as follows, to-wit:
Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the first day of March next, all that part of the county of Gallatin, within the following boundary, shall be added and compose a part of the county of Owen, to-wit: Beginning at Marion on the Kentucky river, thence running down the same to the mouth of Eagle creek, thence up Eagle creek to Spencer's lick, thence with the line dividing Owen and Gallatin to Marion, the place of beginning.

Sec. 2. Be it further enacted, That the circuit and county courts of Gallatin, and the justices of the peace of said county, shall have jurisdiction over all matters within the said bounds, which may or shall be depending before them, before the first day of March next; and the sheriff and other collectors for the county of Gallatin may collect all monies or public dues from the citizens within the said bounds, which shall have fallen due before the said first day of March next.

The question being taken on reading the said bill a second time, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Dudley and Crutcher, were as follows, to-wit:


Ordered, That Mr. Crutcher inform the House of Representatives thereof.

A bill from the House of Representatives entitled, "an act to authorize the appointment of additional justices of the peace in certain counties, and for other purposes," was taken up, further amended, and ordered to be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Given inform the House of Representatives thereof, and request their concurrence in the said amendment.

An engrossed bill entitled, an act to provide for the change of venue in the case of Alexander Gowings and wife, was read the third time, the blanks therein filled;

And the question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Fleming and Dudley, were as follows, to-wit:

YEAS—Messrs. Allen, Beatty, Barrett, Cockerill, Carnco, Davis, Dudley, Daniel, Faulkner, Given, W. Green, J. Hughes, J.
S. Hughes, Hardin, Harris, Maupin, M'Connell, M'Millan, Maddox, Rodman, Slaughter, Summers, Smith and Wood—24.


Resolved, That the title of the said bill be as aforesaid.

Ordered, That Mr. M'Connell carry the said bill to the House of Representatives, and request their concurrence.

Bills from the House of Representatives of the following titles:

1. An act for the benefit of John Cooper.
2. An act for the benefit of the Hart county seminary.
3. An act to authorize the administrators of William C. Davis deceased, to carry into execution a parol contract made by said Davis in his lifetime, with Edward S. Hall, for five or six acres of land.
4. An act to open a state road from Elizabeth, by way of Litchfield, Hartford and Madisonville to Princeton in Caldwell county.
5. An act to establish an inspection of Tobacco at Raleigh in Union county.

Were severally read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the first bill having been dispensed with, it was committed to a select committee of Messrs. Fleming, Gibson and Harris.

And the rule of the Senate, constitutional provision, and second and third readings of the 2d, 3d, 4th and 5th bills having been dispensed with.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Allen inform the House of Representatives thereof.

And then the Senate adjourned.

MONDAY, JANUARY 28, 1825.

The Senate assembled.

Mr. Daviess from the committee appointed for that purpose, reported a bill appointing commissioners to settle the accounts of James I. Miles and William Holeman, late agents of the Penitentiary, which was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading the said bill having been dispensed with, it was committed to a select committee of Messrs. Daviess, Pope and J. Green.
An engrossed bill entitled, an act concerning the bank of Kentucky, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Pope carry the said bill to the House of Representatives, and request their concurrence.

On the motion of Mr. Summers, leave was given to bring in a bill to amend an act further to regulate the Christian academy, approved January 17th, 1827; and Messrs. Summers, Given, Mr. McConnell and Lockett, were appointed a committee to prepare and bring in the same.

After a short time Mr. Summers from said committee, reported the said bill;

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with; the same being engrossed;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Summers carry the said bill to the House of Representatives, and request their concurrence.

Mr. Crutcher from the committee to whom was referred a bill from the House of Representatives, entitled, an act further to regulate the town of Shepherdsville, reported the same without amendment.

Ordered, That the said bill be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Crutcher inform the House of Representatives thereof.

The messages in writing received from the Governor on the 2d and 26th instant, were taken up and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent, Richard Rieger, Esq. to be commissioned sheriff of Hickman county; the county court of said county having failed to recommend persons for that office, agreeably to the constitution.

JOS. DESHA.

January 2, 1828.

Gentlemen of the Senate:

I nominate for your advice and consent, Samuel Stone, to be commissioned Major of the 6th Regiment Kentucky Militia.

JOS. DESHA.

January 26th, 1828.
Resolved, That the Senate advise and consent to the said appointments.

Ordered, That Mr. Given inform the Governor thereof.

The nominations of the Governor contained in his message of the 11th instant, were taken up.

Resolved, That the Senate advise and consent to the said appointments, except to those of William R. Morton sheriff of Fayette county, vice Edward Payne resigned, and Arthur Lee Campbell, surveyor of the military lands, vice Richard C. Anderson deceased.

Ordered, That Mr. Given inform the Governor thereof.

The nominations of the said Morton was laid on the table, and that of the said Campbell was committed to a select committee of Messrs. Hardin, Beatty, J. Hughes and Pope.

The yeas and nays being required by Messrs. Fleming and Daniel, on advising and consenting to the appointment of Samuel Hancock, Escheator of Bullitt county, were as follows:


Messages were received from the House of Representatives announcing the passage of a bill which originated in the Senate entitled, "an act for the benefit of Matthew H. Jouitt's heirs."

And the passage of bills of the following titles, viz:

An act to reduce the limits of the town of Mountsterling.

An act to establish a state road from Brandenburg on the Ohio river to Bowling-green.

An act to remove the seat of justice of Oldham county.

An act to amend the law in relation to costs.

An act to amend an act approved February 4th, 1815, in relation to justices of the peace.

An act appropriating fines and forfeitures for the lessening the county levy of certain counties. And,

An act to authorize the receiver of public monies west of the Tennessee river, to appoint a deputy.

Mr. Given from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz:

An act to alter the mode of taking in lists of taxable property.

An act for the benefit of the heirs of Tobias Moredock.

An act allowing an additional justice of the peace in Todd county.

An act for the benefit of Thomas M. Smith, and to authorize
the trustees of the Simpson county Seminary to sell her donation lands.

An act to change the boundary line of the town of Henderson.

An act for the benefit of the Hart county Seminary.

An act establishing an additional precinct in Campbell county.

An act to legalize the proceedings of the trustees of the town of Russellville and Madisonville.

An act to alter the time of holding the Hart circuit court and to extend the time of the Todd circuit court.

An act for the benefit of the heirs of William Barker, deceased.

An act to extend the town of Joesville, at the mouth of Clover creek in Breckinridge county, and for other purposes.

An act to authorize clerks of courts to take recognizances in certain cases.

An act for the benefit of Matthew H. Jouett's heirs.

And had found the same truly enrolled, and that the said bills were signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time Mr. Given reported that the committee had performed that duty.

Mr. Beatty from the select committee to whom was referred a bill from the House of Representatives entitled, an act to establish election precincts in certain counties, reported the same with amendments;

Which being twice read, were concurred in.

Ordered, That the said bill be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

Resolved, That the said bill as amended, do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. M'Connell inform the House of Representatives thereof, and request their concurrence in the said amendments.

Mr. Taylor moved to take up the resolution for burning a part of the paper in the bank of the Commonwealth of Kentucky, read and laid on the table by him on the 3d instant.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. J. Green and Gibson, were as follows, viz:


NAYS—Messrs. Allen, Beatty, Barrett, Cockrell, Darrell, Dub-
Mr. Hardin moved to amend the said resolution by striking out "six hundred thousand dollars" being the amount of paper directed to be burnt, and to insert in lieu thereof "four hundred thousand dollars."

Mr. Carneal called for a division of the question.

And the question being taken on striking out $600,000, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Taylor and Fleming, were as follows, viz:


Mr. Taylor moved to fill the blank occasioned thereby with $600,000.

Mr. Daviess moved to fill the same with $300,000.

Mr. Cockerill moved to fill the same with $200,000. And, Mr. Maupin moved to fill the same with $100,000.

The question being taken on the motion of Mr. Taylor, it was decided in the negative.

The yeas and nays being required thereon by Messrs. M'Connell and Taylor, were as follows, viz:


The question was then taken on filling the said blank with $400,000, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McConnell and Gibson, were as follows, viz:


NAYS—Messrs. Allen, Beatty, Cockrell, Daviess, Dudley, W. Green, A. S. Hughes, Maupin, Pope, Rodman and Selby—11.

Mr. Carneal moved the previous question, and the question "shall the main question be now put," being taken, it was decided in the affirmative.
The yeas and nays being required thereon, by Messrs. A. S. Hughes and Hardin, were as follows, viz:


The question was then taken on adopting the said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Beatty and Cockerill, were as follows, to-wit:


Ordered, That Mr. Taylor carry the said resolution to the House of Representatives, and request their concurrence.

Mr. A. S. Hughes moved the following resolutions, viz:

Resolved, That a law ought to pass by which the sum of four hundred thousand dollars shall be appropriated, to the objects of internal improvements in this state in the manner following, viz:

Two hundred and fifty thousand dollars of which to be expended in the middle electoral district in this state, and the residue in the southern district, in such manner as shall be from time to time directed by law.

Whereas by the 27th section of an act entitled, an act to incorporate the “Maysville and Lexington turnpike road company” approved January 22d, 1827, the right is reserved to this state to subscribe one thousand shares in the capital stock of said company to be subscribed and paid in such manner as the Legislature should direct, therefore,

Resolved, That a law ought to pass, by which the treasurer of this state shall be authorized on the part of this state, to subscribe in the capital stock of said company, any number of shares not exceeding one thousand. Provided however, no subscription shall be made on the part of this state, until the said company shall have been completely organized, agreeable to the terms of their charter, and until a sum equal to that which is hereby authorized to be subscribed and paid by individuals, as provided for in the act herein before recited.

Resolved, That provision should be made by law, that the whole amount of the stock and profits thereof, which is authorized by the foregoing resolutions to be subscribed and appropriated to
the part of this state, shall be, and the same is hereby given in pledge for the final redemption of the paper of the bank of the Commonwealth of Kentucky.

The Speaker laid before the Senate an additional report of the cashier of the bank of the Commonwealth of Kentucky, made in pursuance of resolutions of the Senate, the said report was committed to the committee to whom was referred his former report on the same subject.

Messages were received from the House of Representatives, announcing their concurrence in the amendments proposed by the Senate, to bills from that House of the following titles, viz:

An act to authorize the appointment of additional justices of the peace in certain counties, and for other purposes.

An act to amend an act entitled, an act to encourage the establishment of private schools.

An act to amend an act, incorporating the Hartford manufacturing company.

An act to incorporate the Clay and Jefferson Seminaries.

An act for the benefit of the trustees of the Morgan Seminary and for other purposes.

And,

An act to authorize the trustees of the town of Brownsville, in the county of Edmonson, to elect trustees;

And that they have concurred in the amendments proposed by the Senate to bills from that House entitled,

An act to establish election precincts in certain counties. No. 2.

And,

An act for the benefit of Jesse Jackson, sheriff of Muhlenburg county, with amendments.

And that they have disagreed to the first, and concurred in the second amendment proposed by the Senate to a bill from that House entitled, an act to appoint additional constables in certain counties;

And that they have concurred in the first and third, and disagreed to the second amendment proposed by the Senate, to a bill from that House entitled, an act to establish election precincts in certain counties. No. 1.

The said amendments proposed by the House of Representatives upon concurring in the amendments proposed by the Senate to the said bills, were taken up, twice read and concurred in; and the Senate receded from their first amendment to the said act, to appoint additional constables in certain counties, and from their second amendment to the said act, to establish election precincts in certain counties. No. 1.

Ordered, That Mr. Beatty inform the House of Representatives thereof.

An engrossed bill, entitled an act more effectually to guard
the seventh section of the tenth article of the constitution from violation, was read the third time.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That Mr. Garrard inform the House of Representatives thereof.

Bills of the following titles, viz:
1. A bill to amend an act entitled an act to incorporate the Maysville and Lexington Turnpike road company, approved 22d January, 1827. And,
2. A bill to amend the penal laws.

Were severally read the second time and committed; the first bill to a select committee of Messrs. Daviess, Hickman, A. S. Hughes, Taylor, Carneal, Hardin, W. Green, Allen, J. Green and Garrard, and the second to a committee of Messrs. Faulkner, McMillan, McConnell, Wickliffe, J. Green and Hardin.

A bill from the House of Representatives, entitled "an act to remove the obstructions to the navigation of Pond river," was read a second time and committed to a select committee of Messrs. Summers, Lockett and McConnell.

A bill from the House of Representatives, entitled, "an act to add a part of Morgan to Fleming county," was read the second time.

And the question being taken on reading the said bill a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Dudley and Gibson were as follows, to wit:


A bill concerning conveyances, and the amendment moved thereto by Mr. McConnell were taken up.

Mr. Daviess moved to lay the said bill and amendment on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Daviess and McConnell were as follows, to wit:


NAYS—Messrs. Beatty, Crutcher, Daniel, Fleming, W. Green, J. Green, Garrard, Gibson, J. Hughes, A. S. Hughes, Hickman,

The question was then taken on adopting the amendment proposed by Mr. McConnell, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McConnell and Wickliffe were as follows, viz:


The said bill as amended is as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all deeds of conveyances, mortgages or other writings hereafter to be made or entered into, which are required to be recorded by law, shall be valid and binding on the contracting parties as heretofore, but shall in no wise affect creditors or purchasers, without notice, until the same shall be lodged in the clerks office of the county where the land may lie, for record, duly proved or acknowledged as the law requires; and it shall be the duty of the clerk in whose office any deed or writing shall be so lodged, to enter a memorandum of such deed or other writing, in some book to be kept for that purpose.

Sec. 2. That all deeds and other writings hereafter made, and which are by law allowed to be recorded, shall be notice to all persons of the existence of such deed or other writing, from the time the same shall have been lodged with the proper clerk for record, duly proved or acknowledged, as the law requires, whether the time limited for recording such deed or other writing may have expired or not, and office copies thereof shall be used as evidence as heretofore, when the writing was recorded within the time prescribed: but no creditor or subsequent purchaser, for a valuable consideration, without notice, shall be affected by any such deed or writing, until the same shall have been duly lodged for record, the date of such instrument notwithstanding.

Sec. 3. All laws authorizing deeds or other writings to be recorded in the office of the clerk of the Court of Appeals or General court, shall be and the same are hereby repealed.

Sec. 4. It shall be the duty of the clerk's of the several county courts in this commonwealth, within one year from the passage of this act, to make out, and continually thereafter to keep up, in a book to be kept for that purpose, a cross alphabet or index of every deed or other writing recorded, and which may be re-
corded in his office, which shall contain a memorial of such deed or writing, and shall be subject to the inspection, without fee, of any person desiring in good faith to examine the same.

Sec. 5. Be it further enacted, That the clerk or other officer, taking the acknowledgment of any grantor or feme covert of any writing for record, shall, in addition to the certificate now required by law, also certify that he has a knowledge of the person whose acknowledgment is thus taken, and that he does verily believe him or her to be the person as represented in such writing, and where any deed shall be proved, the witness shall in addition to the oath now required by law, also state that he or she has a knowledge of the grantor, obligor or person signing the same, and that such witness does verily believe him or her to be the person as represented in such writing.

Sec. 6. Be it further enacted, That hereafter, in any suit or controversy for land, the tenant in possession, or those under whom he claims, may read or give in evidence, an office copy of any deed or other writing which may have been heretofore duly proved or acknowledged and recorded, notwithstanding such proof or acknowledgment or recording may not have taken place within the time prescribed by law. All acts or parts of acts coming within the purview of this act shall be and the same are hereby repealed.

The question was taken on engrossing the said bill and reading it a third time to-morrow; it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Hardin and Cockerill, were as follows, to-wit:


An engrossed bill entitled an act for the benefit of Augustin Clayton, was read the third time.

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gibson and Wickliffe, were as follows, viz:


NAYS—Messrs. Carneal, Faulkner, Fleming, W. Green, J.
Resolved, That the title of the said bill be as aforesaid.

Ordered, That Mr. Cockerill carry the said bill to the House of Representatives and request their concurrence.

Bills from the House of Representatives of the following titles, viz:

1. An act to regulate the duties and powers of trustees of towns in this commonwealth.

2. An act to amend an act, imposing a duty on the sales at auction in the county of Jefferson, for the benefit of the Louisville Hospital, approved, December 17th. 1821.

3. An act to amend the several acts concerning lunatics and idiots.

Were severally read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second readings of the first and second bills having been dispensed with; the first was committed to a select committee of Messrs. Daviess, Crutcher, Hardin, Pope, McMillan, McConnell and Barrett, and the second to a select committee of Messrs. J. Hughes, Allen and Maupin.

And then the Senate adjourned.

TUESDAY, JANUARY 29, 1823.

The Senate assembled.

Mr. Dudley presented the petition of Benjamin Edrington, praying that a law may pass, giving him the privilege of distributing the law books of the state, for four years, upon the terms set forth in said petition.

Which was received, read and laid on the table.

Mr. Hardin from the committee of finance, made the following report, to-wit:

The committee of finance has had the Commonwealth's Bank under consideration, and report thereon:

The expenses of the institution last year, which may be taken as about the average annually, amounted to the sum of $22,503 46 and is composed of the following items.

<table>
<thead>
<tr>
<th>Bank</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>Principal Bank</td>
<td>$4,508 71</td>
</tr>
<tr>
<td>Bowlinggreen Branch</td>
<td>2,208 62</td>
</tr>
<tr>
<td>Flemingsburgh</td>
<td>1,333 38</td>
</tr>
<tr>
<td>Falmouth</td>
<td>1,011 15</td>
</tr>
<tr>
<td>Greensburge</td>
<td>1,347 62</td>
</tr>
<tr>
<td>Hartford</td>
<td>998 71</td>
</tr>
<tr>
<td>Harrodsburgh</td>
<td>1,579 62</td>
</tr>
<tr>
<td>Lexington</td>
<td>2,875 75</td>
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</tbody>
</table>
Louisville: 1,544.00
Somerset: 1,380.97
Winchester: 1,089.70
Mount Sterling: 1,507.40
Princeton: 1,208.43

Total: 22,503.46

It is proposed to call in the branches, the cost of which is $17,994.75 and instead of the branches, to employ six agents, to attend at each court house twice a year, four days at a time, to receive the discounts and renewals of the notes, and to change the payments of the discounts, instead of three times a year to twice of a year, and to pay six per cent each half year; the six agents at $800 each, will cost $4,800; the expenses saved to the institution in the items of the branches, will then stand thus:

The annual expenses now: $17,994.75
Expenses of agents: 4,800

Total saved: 13,194.75

With the new regulations which will be introduced into the principal bank, the expenses of that bank will not be materially changed. The calling in the branches and substituting the agents, will, in the opinion of the committee, ultimately make it more convenient for the debtors to the bank. But in addition to that, such a step is necessary, to prepare both the institution and public sentiment, for winding it up; such a measure will prevent those occasional accommodations which are offered in the branches. In addition to those reasons, the committee is of opinion, that the situation of the branches can never be well ascertained, until they are called in. The committee would further remark, that at the last May term of the Federal Court, a judgment was obtained against the Commonwealth's Bank, for specie, to the amount of $6,350 and cost; and at the November term 1827, another judgment for $9,130.03 and cost. It is the opinion of the committee that unless a remedy is applied, and that speedy, the number and amount of judgments will so increase, as to endanger, not only the credit of the paper of said bank, but the useful operations of the institution. The only remedy which has suggested itself to the committee, is to repeal the charter; suits now depending to be prosecuted as commenced, but for the benefit of the Commonwealth, all the funds of the bank to be transferred to the Commonwealth, and the notes made renewable to the Commonwealth, attach the bank to the treasury department, and for the legislature to elect four clerks annually, for its management; allowing to each a competent salary.

To effectuate the object of this report, the committee report a bill.
THE SENATE.

Mr. Hardin from the same committee, reported a bill further to regulate the Bank of the Commonwealth.
Which was read the first time.
And the question being taken on reading the said bill a second time, it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Daviess and Given, were as follows, to-wit:


Ordered, That the public printer print one hundred and fifty copies of the said bill for the use of the General Assembly.

Mr. Dudley from the select committee to whom was referred, a bill from the House of Representatives entitled, "an act to establish a seminary of learning in Anderson county, and for other purposes," reported the same without amendment.
The said bill was laid on the table.

Mr. Hardin from the committee of finance, made the following report, to-wit:
The committee of finance has had under consideration, the petition of Samuel Woodson, and report thereon:
Resolved, That the prayer of the petition ought not to be granted.
Which being twice read was concurred in.

Mr. Dudley from the select committee to whom was referred, a bill concerning the Lunatic Asylum, reported the said bill with amendments.
The said bill and amendments were laid on the table.

Mr. Daviess from the select committee to whom was referred, a bill appointing commissioners to settle the accounts of James J. Miles and William Holman, late agents of the Penitentiary, reported the same with an amendment.
The said bill and amendment were recommitted to a select committee of Messrs. M'Connell, Daviess, J. Green and Muldrow.

Mr. Garrard from the committee to whom was referred, a bill concerning the turnpike and wilderness road, reported the same with amendments:
Which being twice read were concurred in.
Ordered, That the said bill be engrossed and read a third time.
And thereupon the rule of the Senate constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.
Ordered, That Mr. Garrard carry the said bill to the House of Representatives and request their concurrence.

Mr. Lockett from the select committee to whom was referred a bill to allow pay to grand jurors of this Commonwealth, with an amendment offered thereto, reported the same without amendment.

The said bill and amendment are as follows, to-wit:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, each grand juror regularly summoned and duly attending any of the circuit courts of this Commonwealth, shall be allowed the same compensation, to be certified and paid in the same manner, as is now allowed and directed by law in regard to venire men.

The amendment.

Sec. 2. Be it further enacted, That each petit juror shall, in civil cases, be entitled to have, demand and receive from the plaintiff or plaintiffs, for each verdict rendered, twenty-five cents, which sum is to be taxed up as other cost, and go with the cost of the suit; that the said sum herein allowed to each juror, shall be collected under the same rules and regulations as witnesses attendance are now collected by law; and the clerks of the several courts shall give to each juror, a certificate of his services, and shall charge no fee therefor.

Sec. 3. Be it further enacted, That in all trials for misdemeanors, where the Commonwealth is a party, each juror shall be entitled to twenty-five cents, for each verdict, to be paid out of the Petit Treasury, which sum shall be taxed up in the bill of cost as other cost in such cases, are now directed by law.

Mr. Davis moved to lay the said bill and amendment on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Lockett and Daviess, were as follows, to-wit:

YEAS—Messrs. Allen, Barrett, Crutcher, Carneal, Daviess, Dudley, Daniel, Farber, W. Green, J. Green, Garrard, Gibson, J. Hughes, Hickman, M. Miller, Rowland, Smith, Wood and Woods—19.

NAYS—Messrs. Cebelik, Cunningham, Fleming, Green, J. S. Hughes, Harvin, Lockett, Mannin, McConnel, Mildrow, Selby, Slaughter, Summers, Taylor, White and Wickliffe—16.

Mr. Daviess from the select committee to whom was referred, a bill from the House of Representatives entitled, "an act to regulate the duties and powers of trustees of towns in this Commonwealth," reported the same without amendment, and the said bill was recommitted to a select committee of Messrs. Carneal, Wickliffe, Crutcher and Barrett.

Mr. J. Hughes from the select committee to whom was refer
red, a bill from the House of Representatives entitled, "an act to amend an act imposing a duty on the sales at auction in the county of Jefferson, for the benefit of the Louisville Hospital," approved December 17, 1821, reported the same without amendment.

The said bill was amended, and recommitted to Messrs. Wickliffe, J. Hughes, Dudley and Carneal.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Hardin—1. A bill for the benefit of the heirs of Peter Tichenor and Hatzel Jennings' heirs.

On the motion of Mr. Beatty—2. A bill for the benefit of Peter Slagle and Charles Mullens. And,

On the motion of Mr. Crutcher—3. A bill to repair the road from the mouth of Salt river to the top of Muldrow's hill, on the Nashville road.

Messrs. Hardin, Maupin and Garrard were appointed a committee to prepare and bring in the first; Messers. Beatty, Wood, M'Connell and W. Green the second, and Messrs. Crutcher, J. Hughes and Cunningham the third.

The yeas and nays being required on giving leave to bring in the third bill by Messrs. Maupin and Crutcher, were as follows:


An engrossed bill entitled, an act for the benefit of Joseph Paxton, was read the third time.

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and M'Connell, were as follows, to wit:


Resolved, That the title of the said bill be as aforesaid.

Ordered, That Mr. Daviess carry the said bill to the House of Representatives and request their concurrence.

An engrossed bill entitled, an act for the benefit of James Paxton, was read the third time.

Mr. Barrett moved to fill the blank therein with five hundred dollars, being the amount directed to be paid to the said Paxton.
for his extraordinary services as deputy sheriff of Harrison county, in the case of Isaac B. Desha.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hardin and Fleming, were as follows, to-wit:


Mr. Beatty moved to fill the said blank with three hundred dollars.

Mr. Hardin moved to lay the said bill on the table until the first day of June.

And the question being taken thereon, it was decided in the negative.

The Speaker voted in the negative.

The yeas and nays being required thereon by Messrs. Hardin and Lockett, were as follows, viz:


Mr. Garrard moved to fill the said blank with four hundred and fifty dollars.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Lockett and Fleming, were as follows, to-wit:


The question was then taken on filling the said blank with three hundred dollars.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Lockett and Fleming, were as follows, to-wit:

YEAS—Messrs. Allen, Beatty, Barrett, Dudley, Daniel, Garrard, J. Hughes, A. S. Hughes, Hickman, Maupin, M'Connell,

The question was then taken on the passage of the said bill, and it was decided in the affirmative. The Speaker voted in the affirmative.

The yeas and nays being required thereon by Messrs. McConnell and Crutcher, were as follows:


Resolved, That the title of the said bill be as aforesaid.

Ordered, That Mr. Barrett carry the said bill to the House of Representatives, and request their concurrence.

An engrossed bill entitled, an act for the relief of securities in individual contracts, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Maupin carry the said bill to the House of Representatives, and request their concurrence.

Bills from the House of Representatives of the following titles, to-wit:

1. An act for the benefit of Susan W. Owen.
2. An act regulating the terms of the Jefferson county court.

Were severally read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the first bill having been dispensed with, the same was committed to the committee of religion.

And the rule of the Senate, constitutional provision, and the second and third reading of the second bill having been dispensed with.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. J. Hughes inform the House of Representatives thereof.

A message was received from the House of Representatives, announcing the passage of the following bill, to-wit:

An act to reduce the price of vacant land north of Walker's line.

A message was received from the Governor by Mr. Pickett, his Secretary.
Mr. Speaker, the Governor has directed me to lay before the Senate, a message in writing.
And then he withdrew.

A message from the House of Representatives, by Mr. Hazlerigg.

Mr. Speaker, the House of Representatives have disagreed to a bill which originated in the Senate entitled, an act concerning the bank of Kentucky.
And then he withdrew.

After a short time a message was received from the House of Representatives, by Mr. Sanders of Franklin, requesting leave to withdraw the said report made by Mr. Hazlerigg.

Which was granted accordingly.

Ordered, That Mr. Daviess inform the House of Representatives thereof.

An engrossed bill entitled, an act providing for the appointment of an Engineer to survey the Kentucky river, was read the third time, and amended by way of engrossed reader.

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Cockerill, were as follows, to-wit:


Resolved, That the title of the said bill be an act, providing for the appointment of an Engineer to survey the Kentucky, Licking, and Green rivers.

Ordered, That Mr. Muldrow carry the said bill to the House of Representatives, and request their concurrence.

A message from the House of Representatives by Mr. Sanders.

Mr. Speaker, the House of Representatives have passed a bill which originated in the Senate entitled,

An act concerning the bank of Kentucky, with an amendment, in which they request the concurrence of the Senate.

And then he withdrew.

The said amendment was taken up, twice read and concurred in.

The yeas and nays being required thereon by Messrs. Wickliffe and Carneal, were as follows, to-wit:

Jan. 30.\]

THE SENATE.


Ordered, That Mr. Allen inform the House of Representatives thereof.

A bill to repeal parts of an act approved January 7th, 1824, entitled, an act to revive and amend the chancery laws, and more effectually to secure the bona fide occupants of land within this commonwealth, was taken up.

M'Connell moved to lay the said bill on the table, until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. A. S. Hughes and M'Connell, were as follows, viz:


The said bill was committed to a select committee of Messrs. W. Green, Crutcher, Summers and Maupin.

A bill from the House of Representatives entitled, an act to add an additional justice of the peace to Boone county;

Was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being amended.

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Carneal inform the House of Representatives thereof, and request their concurrence in the said amendment.

Bills from the House of Representatives of the following titles, to wit:

1. A act authorizing the sale of certain streets in the town of Russellville.

2. An act declaring Beaver creek a navigable stream.

3. An act for the benefit of John Gibson.

4. An act for the benefit of Robert Patterson.

Were severally read the second time and ordered to be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bills having been dispensed with;

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.
Ordered, That Mr. Slaughter carry the first, Mr. Maupin the second, third and fourth bills to the House of Representatives and inform them thereof.

Bills from the House of Representatives of the following titles, to-wit:

1. An act further to regulate appeal bonds. And,
2. An act to provide for the building of bridges across certain water courses in Greenup county.

Were severally read the second time and committed to select committees: the first to Messrs. M'Connell, Wickliffe and Davies; and the second to a committee of Messrs. M'Connell, Hickman, Faulkner and Hickman.

An engrossed bill entitled, an act for the benefit of D. Trabue and others, was read a third time.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Selby carry the said bill to the House of Representatives, and request their concurrence.

Engrossed bills of the following titles:

1. An act more effectually to guard the occupant of land. And,
2. An act to regulate civil proceedings against certain communities having property in common, were read the third time.

And the question being taken on the passage of the first bill, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Wickliffe and Daniel, were as follows, viz:


Resolved, That the title of the said bill be as aforesaid.

Ordered, That Mr. Daniel carry said bill to the House of Representatives, and request their concurrence.

The blank in the second bill having been filled, and the question having been taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wood and Cockerill, were as follows, to-wit:


Resolved, That the title of the said bill be as aforesaid.

Ordered, That Mr. Daviess carry the same to the House of Representatives, and request their concurrence.

A bill from the House of Representatives entitled, an act to expedite the trial of civil actions, was read the first time and ordered to be read a second time.

And then the Senate adjourned.

WEDNESDAY, JANUARY 30, 1828.

The Senate assembled.

Mr. Smith from the committee of religion to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Susan W. Owen, reported the same without amendment.

Ordered, That the said bill be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

The question was taken on the passage thereof, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and W. Green, were as follows, to-wit:


Resolved, That the title of the said bill be as aforesaid.

Ordered, That Mr. Smith inform the House of Representatives thereof.

Mr. Carneal from the committee to whom was referred a bill from the House of Representatives entitled, an act to regulate the duties and powers of trustees of towns in this Commonwealth, reported the same with amendments, which being twice read was concurred in.

Ordered, That the said bill as amended, be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with:

Resolved, That the said bill as amended, do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Carneal inform the House of Representatives thereof, and request their concurrence in the said amendments.

Mr. Hardin from the committee appointed for that purpose reported a bill for the benefit of the heirs of Peter Tichenor and Hatzel Jennings, deceased.
Which was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Hardin carry the said bill to the House of Representatives, and request their concurrence.

Mr. Cockerill from the joint committee of enrollments reported that the committee had examined enrolled bills of the following titles, viz:

- An act for the benefit of certain sheriffs.
- An act to establish an inspection of Tobacco at Raleigh in Union county.
- An act to amend an act entitled, an act to encourage the establishment of private schools.
- An act for the benefit of the trustees of the Morgan Seminary, and for other purposes.
- An act to authorize the administrators of William C. Davis, deceased, to carry into execution a parol contract made by said Davis in his life-time with Edward S. Hall, for five or six acres of land.
- An act to incorporate the Clay and Jefferson Seminaries.
- An act to appoint additional constables in certain counties.
- An act to authorize the inhabitants of the town of Brownsville in the county of Edmonson to elect trustees.
- An act further to regulate the town of Shepherdsville.
- An act to amend an act incorporating the Hartford Manufacturing company.
- An act to authorize the appointment of additional justices of the peace in certain counties, and for other purposes.
- An act to establish election precincts in certain counties.
- An act concerning the bank of Kentucky.
- An act to establish election precincts in certain counties.
- And had found the same truly enrolled,
- And that the said bills were signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time Mr. Cockerill reported that the committee had performed that duty.

Mr. W. Green from the committee to whom was referred a bill to repeal parts of an act approved January 7th, 1821, entitled, an act to revive and amend the champerty laws, and more effectually to secure the bona fide occupants of land within this Com
THE SENATE.

monwealth, reported the same with an amendment, which was twice read and concurred in.

Ordered, That the said bill be engrossed and read a third time to-morrow.

Mr. Crutcher from the committee appointed for that purpose reported a bill to repair the salt river hill, on the road from the mouth of salt river to Elizabethtown.
Which was read the first time, and ordered to be read a second time.

Mr. Wickliffe from the committee to whom was referred a bill from the House of Representatives entitled, an act to amend an act imposing a duty on sales at auction, in the county of Jefferson, for the benefit of the Louisville Hospital, approved December 17th, 1821, reported the same with an amendment, which being twice read was concurred in.

Ordered, That the said bill as amended, be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title be amended to read, an act imposing a duty on sales at auction in the counties of Jefferson and Fayette.

Ordered, That Mr. Wickliffe inform the House of Representatives thereof, and request their concurrence in the said amendments.

Mr. Fleming from the committee to whom was referred a bill from the House of Representatives entitled, an act for the benefit of John Cooper, reported the same without amendment.

Ordered, That the said bill be read a third time.

Mr. Beatty from the committee appointed for that purpose, reported a bill for the benefit of Peter Slagle and Charles Mullens.
Which was read the first time, and ordered to be read a second time.

Mr. J. Green presented the petition of Sidney P. Clay and Isabella El J. Clay his wife, representing that the said Isabella is entitled by descent from her deceased father, to two tracts of land in Washington county, that she is under 21 years of age, and that it would be advantageous to the petitioners at this time to sell said land, and praying that a law may pass authorizing the sale and conveyance of the same.
Which was received, read and referred to the committee of courts of justice.

Mr. M'Connell from the select committee to whom was referred a bill appointing commissioners to settle the accounts of James I. Miles and William Holeman, late agents of the Penitentiary, reported the same without amendment.

A message from the Governor by Mr. Pickett.
Mr. Speaker: The Governor has approved and signed enrolled bills which originated in the Senate of the following titles:

An act for the benefit of Matthew H. Jouett's heirs. And,
An act concerning the bank of Kentucky.

And then he withdrew.

Ordered, That Mr. Cockerill inform the House of Representatives thereof.

Messages were received from the House of Representatives, announcing the passage of the following bills to wit:

An act to authorize the citizens of Middletown in Jefferson county to elect trustees, and for other purposes.

An act to authorize the insertion of advertisements in certain newspapers.

An act prescribing the mode of proceeding against civil officers for issuing illegal fees bills.

An act to authorize clerks of courts to administer oaths in vacation, in certain cases.

And the passage of a bill which originated in the Senate entitled, an act to amend an act, further to regulate the Christian Academy, approved January 17th, 1817.

And that the House of Representatives have concurred in the amendments proposed by the Senate to a bill from that House entitled, an act to authorize the stockholders of the bank of Limestone, to elect an agent to close the concerns of said bank, with an amendment,

And that they have received official information that the Governor has approved and signed enrolled bills which originated in the House of Representatives, of the following titles:

An act for the benefit of Polly Burnet and children.

An act to authorize clerks of courts to take recognizances in certain cases.

An act to extend the limits of the town of Joesville, to the mouth of Clover creek in Breckinridge county, and for other purposes.

An act to change the boundary line of the town of Henderson.

An act for the benefit of the heirs of Tobias Morodock.

An act for the benefit of the heirs of William Barker, deceased.

An act to legalize the proceedings of the trustees of the towns of Russellville and Madisonville.

An act establishing an additional precinct in Campbell county.

An act for the benefit of Thomas M. Smith, and to authorize the trustees of the Simpson county Seminary to sell her donation lands.

An act to alter the time of holding the Hart circuit court, and to extend the term of the Todd circuit court.
An act to alter the mode of taking in the lists of taxable property.
An act allowing an additional justice of the peace in Todd county.
An act for the benefit of the Hart county Seminary.
And a resolution entitled, "a resolution fixing on a day for the election of public officers.
A message was received from the House of Representatives, informing the Senate that the House of Representatives was then ready by a joint vote with the Senate to proceed to the election of a treasurer, public printer, a president and directors of the bank of Kentucky, a president and directors of the bank of the Commonwealth, and each of its branches, and trustees of Transylvania University.
Ordered, That Mr. Hardin inform the House of Representatives that the Senate is now ready by a joint vote with that House, to proceed to the said election.
Nominations having been made and interchanged between the two Houses.
The Senate proceeded to the election, and appointed committees on their part to meet committees from the House of Representatives to compare the joint vote; the result thereof was reported to stand thus:

For Treasurer:

James Davidson, 103.
Benjamin Hensley, 33.
Jacob H. Holeman, 70.
Robert Johnston and Amos Kendall, 67.
Peter Dudley, 137.

For public printer:


For president of the bank of Kentucky:

First vote—For Lewis Sanders 54, Joseph Smith 40, Thomas Triplett 21, and Daniel Mays 20.
Second vote—For Smith 64, Sanders 55, and Triplett 16.
Third vote—For Joseph Smith 73, Lewis Sanders 62.

For directors of the bank of Kentucky:

Masterson Shelburn 40, Geo. Todd 40, and Charles P. Bacon 34.
The number of votes given 129.

The following persons were thereupon declared duly elected:

For Treasurer, . . . . James Davidson.
For Public Printer, . . . . Jacob H. Holeman.
For President of the Bank of Kentucky—Peter Dudley.
For Directors of said Bank—John Brown and Daniel Weisiger.
For President of the Bank of the Commonwealth—Joseph Smith.

The following persons were reported to have received an unanimous vote, and were declared to be duly elected Presidents and Directors of the several Branch Banks, to-wit:

Lexington Branch—Charles Humphreys, President; Thomas H. Pindle, David Megowan, Daniel M. Payne, Andrew M'Clure, George Boswell, Elijah Craig, David Thompson, and Samuel H. E. Clarkson, Directors.
Greensburg Branch—Peter B. Atwood, President; Elijah Cree, Joseph Akin, Samuel Brents, James Lasly, Ignatius Haza, N. Gaither, Thomas Helm, Joseph Brumell, Isaac Jackson, and George T. Wood, Directors.
Jan. 31.]  

THE SENATE. 

Samuel Moore, William Carson, David Caldwell and Thomas Hail, Directors.

Mountsterling Branch—Samuel D. Everett, President; Thomas C. Bains, Charles Glover, Clement Conner, Putman Ewing, William Ward, Samuel May, Macon Williams, and Moses Grooms, Directors.

Harrodsburg Branch—Beriah Magoffin, President; Christopher Chinn, David Sutton, Jesse Head, William Pawling, Thomas E. West, Joel Sweeny, Joseph Hopper and Thomas Head, Directors.

Somerset Branch—Wm. Fox, President; Charles Hays, Henry James, Bourne Goggin, Waldron B. Gilmore, Augustus Hayden, James Terrell, Thales Huston, Benjamin Eve and John Christian, Directors.

And then the Senate adjourned.

THURSDAY, JANUARY 31, 1828.

The Senate assembled.

Mr. Daniel from the committee appointed to examine the Penitentiary, laid before the Senate an account of the keeper of the Penitentiary, for furnishing and erecting a monument over the grave of the late Governor Shelby; which was referred to the committee of finance.

Mr. Daviess from the committee of courts of justice, reported a bill for the benefit of Sydney P. Clay and wife.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Daviess carry the said bill to the House of Representatives and request their concurrence.

Mr. McConnell from the select committee to whom was referred, a bill from the House of Representatives, entitled, "an act to provide for the building of bridges across certain water courses in Greenup county," reported the same with amendments;

Which were twice read and concurred in.

Mr. Faulkner moved an amendment to the said bill.

A message was received from the House of Representatives, by Mr. Combs, announcing that the House was now ready to proceed to the election of trustees of the Transylvania University.

Mr. Wickliffe moved that the Senate do now proceed to the said election.
And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Garrard, were as follows, to-wit:


Nominations for trustees of Transylvania University were then made and interchanged between the houses—The vote was taken, and a committee appointed on the part of the Senate to meet a committee of the House, to compare the vote; and after a short time the committee reported, that John Bradford, Tho. Bodley, Benjamin Gratz, Elisha I. Winter, William Leavy, William Richardson, John Brand, Joseph Logan, Robert S. Todd, Ryland T. Dillard, John W. Hunt, Elisha Warfield, Nathan H. Hall, Thomas M. Hickey, Thomas Nelson, Richard H. Chinn and Henry C. Payne, had received a majority of all the votes given, and they were thereupon declared to be duly elected trustees of Transylvania University.

Mr. Cockerill from the joint committee of enrolments reported, that the committee had examined enrolled bills of the following titles:

An act to amend "an act further to regulate the Christian Academy," approved January 17, 1827.

An act to open a state road from Elizabeth, by way of Litchfield, Hartford and Madisonville to Princeton in Caldwell county.

And an act regulating the terms of the Jefferson circuit court, and had found the same truly enrolled, and that said bills were signed by the Speaker of the House of Representatives. Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time Mr. Cockerill reported, that the committee had performed that duty.

Messages were received from the House of Representatives announcing the passage of bills of the following titles, to-wit:

An act prescribing the mode of choosing electors to vote for President and Vice-President.

An act for the benefit of the heirs of James Neely deceased.

An act to legalize the proceedings of the Madison and Bullitt county courts.

An act giving further time to certain officers to renew their bonds.
An act further to prescribe the duties of sheriffs.
An act concerning the Lunatic Asylum.
An act to incorporate the Lexington rail road or turnpike company.

And of a bill which originated in the Senate entitled, "an act to fix the ratio and apportion the representation for the ensuing four years," with an amendment; and that the House of Representatives concur in the amendments proposed by the Senate, to bills from that House of the following titles:

An act to amend an act imposing a duty on sales at auction in the county of Jefferson, for the benefit of the Louisville Hospital, approved December 17, 1821.

An act to regulate the duties and powers of trustees of towns in this Commonwealth. And,

An act to change the August terms of the Henry, Ohio and Hardin county courts; and disagree to the amendments proposed by the Senate to a bill entitled, "an act to add an additional justice of the peace to the county of Boone."

And that the House of Representatives have adopted a joint resolution fixing a day for the adjournment of the General Assembly.

Mr. Maupin moved to take up the said resolution fixing a day for the adjournment of the General Assembly.

And the question being taken thereon, it was decided in the negative. The Speaker voted in the negative.

The yeas and nays being required thereon by Messrs. Maupin and Hickman, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Cockerill, Cunningham, Car- neal, Daviess, Daniel, Given, J. Green, J. Hughes, Hickman, Maupin, McConnell, Pope, Rodman, Slaughter, Smith and Wood—18.


The report of the committee on internal improvements, made on the 7th instant, was then taken up; the amendment moved thereto by Mr. M'Connell, to be prefixed to the said resolutions, is as follows, to-wit:

1. Resolved by this General Assembly, That it is wholly unnecessary at this time, to express any opinion upon the question, whether Congress has, or has not the power, to construct a road or canal through or across any state, without the consent of such state; yet it is the opinion of this General Assembly, without hesitation, or doubt, that Congress does possess that power, with the consent of such state.

2. Resolved further, That it is the deliberate opinion of this
General Assembly, that the Congress of the United States has the undoubted right to impose duties upon foreign agricultural products, or merchandize, for the purpose and with the view of affording a protection to our own agricultural products, or domestic manufactures.

The question being taken on Mr. Allen’s motion to amend the first resolution of the said amendment, by striking out the words “does possess that power with the consent of such state,” printed in italics, and inserting in lieu thereof “may by the consent of any state, construct a road or canal in such state,” it was decided in the negative.

The yeas and nays being required thereon by Messrs. McComb and Hardin, were as follows, to wit:


Mr. A. S. Hughes moved a substitute for the said resolutions and amendment, and then the said report and amendments were laid on the table.

Agreeably to the resolutions of the Senate, adopted on the 25th instant, James McMillan, Henry Grider and William Tanner having been duly summoned, and sworn, were examined at the bar of the Senate as witnesses; Amos Kendall was also sworn, and in the progress of his examination, was requested by Mr. Pope, to state, what he had heard David White, one of the members of Congress from Kentucky say, were the reasons which induced him to vote for Mr. Adams as President of the United States?

Any answer to this question was objected to by Mr. Hardin, because, first: David White, the person alluded to in the foregoing interrogatories, lives within twelve miles of this place; secondly: because this Senate does not regard any thing that Mr. White may have said, going to prove guilt upon himself, because it is not considered that his character is in question here, in this investigation; thirdly: because of the total impossibility of corning his statements to himself alone, unconnected with other individuals implicated in the charge; and, fourthly: because the statement of Mr. White before the Senate, on oath, is better evidence than any loose unguarded statements he may have made when not on oath.

And the question being taken whether Mr. Kendall, the witness, should answer the said question, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Davies and Hardin, were as follows, viz:
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And then the Senate adjourned.

FRIDAY, FEBRUARY 1, 1828.

The Senate assembled.

Mr. Hardin from the committee appointed for that purpose, reported a bill to enable and authorize the county court of Spencer county, to build a bridge across Salt river, opposite to Taylorsville.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was committed to a select committee of Messrs. Hardin, A. S. Hughes, White and Hickman.

Mr. Rodman from the committee appointed for that purpose, reported a bill to authorize the county court of Gallatin, to appoint inspectors of Tobacco.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid;

Ordered, That Mr. Rodman carry the said bill to the House of Representatives and request their concurrence.

Mr. Faulkner from the committee to whom was referred, a bill to amend the penal laws, reported the same with an amendment. Which was twice read and concurred in.

Ordered, That the said bill be engrossed and read a third time to-morrow.

Mr. Cockerill from the joint committee of enrollments reported that the committee had examined and found truly enrolled bills of the following titles, viz:

An act for the benefit of John Gibson.

An act authorizing the sale of certain streets in the town of Russellville.

An act for the benefit of Susan W. Owen.

An act for the benefit of Robert Patterson.
An act to change the August terms of the Henry, Ohio and Hardin county courts, and changing the time of holding the Lewis circuit court. And, An act declaring Beaver creek a navigable stream.

And that the said bills have been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time Mr. Cockerill reported that the committee had discharged that duty.

Mr. Daviess moved the following resolution, viz:

In consequence of certain charges made in the Spirit of '26, a newspaper published in the town of Frankfort, against Japhtha Dudley, a Senator from the counties of Franklin and Owen, at the request of Mr. Dudley;

Resolved, That a committee be raised to enquire into the aforesaid charges and make report thereon.

Which being twice read was adopted.

And Messrs. Daviess, Muldrow, Garrard, Rodman, Summers and Maupin, were appointed a committee pursuant thereto.

Messages were received from the House of Representatives, announcing the passage of a bill of the following title, viz:

An act to establish Seminaries of learning, in the counties of Calloway, Graves, Hickman and McCracken.

And a bill which originated in the Senate entitled, an act further to regulate the Cumberland Hospital, and requesting leave to withdraw the message announcing the concurrence of the House of Representatives in the amendments proposed by the Senate to a bill from that House entitled, an act to amend an act imposing a duty on the sales at auction in the county of Jefferson for the benefit of the Louisville Hospital, approved December 17th, 1821.

Which leave was granted.

Ordered, That the Clerk inform the House of Representatives thereof.

Resolved, That the Senate recede from the amendment proposed by them to a bill from the House of Representatives entitled, an act to add an additional justice of the peace to the county of Boone.

Ordered, That Mr. Carneal inform the House of Representatives thereof.

The amendment proposed by the House of Representatives upon concurring in the amendments proposed by the Senate to a bill from that House entitled, an act to authorize the stockholders of the bank of Limestone, to elect an agent to close the con
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cerns of said bank, and for other purposes, was twice read and concurred in.

The amendments proposed by the House of Representatives, to a bill from the Senate, entitled, "an act to fix the ratio and apportion the representation for the ensuing four years, were taken up and twice read.

Mr. Carneal moved that the Senate do agree to the amendments proposed by the House of Representatives to every part of the said bill, except the following particulars, and in those particulars do disagree, to-wit:

1st. The amendment which took one representative from the county of Lincoln, and added one to the county of Washington.

2d. The amendment which took one from the county of Montgomery, and added one to the county of Nicholas.

3d. The amendment which took the county of Laurel from Whitley, and added it to the counties of Knox and Harlan.

4th. The amendment which took the county of Bullitt from the county of Jefferson, and added it to the counties of Hardin and Meade.

5th. The amendment which took Laurel from the counties of Knox, Clay, Harlan, Perry and Whitley, and added it to the counties of Lincoln and Rockcastle.

6th. The amendment which transposes the county of Union and places it before Henderson.

A division of the question was called for.

So much of the said motion as proposes that the Senate do agree to the said amendments to every part of the said bill, except in the particulars specified, was adopted.

The question was then taken on disagreeing to the amendment which took one representative from the county of Lincoln, and added one to the county of Washington, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Pope and Green, were as follows, to-wit:


The question was then taken on disagreeing to the amendment which took one representative from the county of Montgomery and added one to the county of Nicholas, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. A. S. Hughes and Daniel, were as follows, to-wit:
The question was then taken on disagreeing to the amendment which took the county of Bullitt from the county of Jefferson and added it to the county of Hardin and Meade, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Dudley and Crutcher, were as follows, viz:


The yeas and nays being required thereon by Messrs. Dudley and Crutcher, were as follows, viz:


The 5th and 6th amendments above specified, were then disagreed to.

Ordered, That Mr. Hardin inform the House of Representatives thereof.

A message from the House of Representatives by Mr. Yantis, Mr. Speaker—The House of Representatives insist on their amendment to a bill from the Senate entitled, "an act to fix the ratio and apportion the representation for the ensuing four years," giving one representative only to Lincoln, and giving three to Washington.

They insist on their amendment giving two to Nicholas, and striking one from Montgomery.

They recede from their amendment adding Laurel to Knox and Harlan, and agree to the addition of Laurel and Whitley for the purpose of sending one representative as proposed by the Senate.

They insist on their 4th amendment adding Bullitt to Hardin and Meade, for electing a Senator.

They insist on their 5th amendment, which takes Laurel from the Senatorial district of Knox, Clay, Harlan, Perry and Whitley, and adds it to Lincoln and Rockcastle.

They recede from their 6th amendment which places Union county before Henderson.

And then be withdrew.

Agreeably to the resolutions adopted on the 5th ultimo, the examination of witnesses at the bar of the Senate, was resumed.

At the request of Mr. Pope, Mr. Carneal made a statement in his place as a Senator. Oliver Keen, John M'Alear and William S. Shackleford were introduced, sworn and examined. John T.
Johnson was sworn, and in the progress of his examination, Mr. Daviess asked him to state, whether he did or did not hear David White, one of the members of Congress from Kentucky, who voted for Mr. Adams as President, a few days after the election, state, that in giving the vote for Mr. Adams, he considered himself as voting for Mr. Clay.

Any answer to this question was objected to by Mr. Hardin, because the Senate on yesterday decided, that they would not hear the statements of Mr. White for the reasons therein given.

And the question being taken, shall the witness answer the said question, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Daviess and Hickman, were as follows, viz:


Mr. Daviess then asked Mr. Johnson whether he did or did not hear the said David White say, shortly before he started to Congress, in the fall of 1824, and also after he arrived at Washington City, that he was decidedly for General Jackson in preference to Mr. Adams or Mr. Crawford.

Any answer to this question was objected to by Mr. Hardin, on the ground mentioned in the foregoing objections, and also upon the further ground, that the Senate having twice solemnly settled that they would not hear the statements of Mr. White, that it would be trifling with their former decisions now to reverse them, without good cause, which has not been shewn.

And the question being taken, shall the witness answer the said question, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Daviess and Hardin, were as follows, to-wit:


Mr. Daviess then asked Mr. Johnson whether he did or did not hear the said David White state, some time before the election of Mr. Adams as President, that if he was elected, it was understood that Mr. Clay was to be made secretary of state.

Any answer to this question was objected to by Mr. Hardin, for the reasons already assigned in the former objections to what
David White should have said, and a reference is here made to said objections, and because the same question, in substance, has been decided three several times by the Senate.

And the question being taken, shall the question be answered by the witness? it was decided in the negative.

The yeas and nays being required thereon by Messrs. Daviess and Pope, were as follows, to-wit:


Joseph Secrest was introduced, sworn and examined.

And then the Senate adjourned.

SATURDAY, FEBRUARY 2, 1828.

The Senate assembled.

After the journals of yesterday was read, Mr. Beatty moved that it be corrected so that it shall appear by whom the witnesses examined, were called—this was objected to, and Mr. Hardin was requested to make out a statement of the facts; he made the following statement, which was ordered to be entered on the journals, to-wit:

Ben Hardin, a Senator from Nelson, states, that after the resolutions of the Senator from Green were taken up, and the Senate was waiting to hear the evidence, the friends of the administration were sitting together, and he was designated by them to examine the witnesses, who might be called in; he discovered that the friends of General Jackson were sitting together, and he saw among them, the Senator from Washington, and he supposed from his position, that he was selected by the friends of General Jackson to examine the witnesses on their part; he then addressed the Senator from Washington and informed him they were ready to proceed, and requested him to go on; then, at the instance of the friends of General Jackson, James McMillan, Henry Grid, William Tanner, Amos Kendall, Oliver Keene, Francis McAlear, William S. Shackleford, John T. Johnson and Joseph Secrest were called in and sworn.

The following protest was presented and ordered to be entered on the journals of the Senate, to-wit:

The undersigned have regarded with deep regret, the enquiry which has been instituted, by order of the Senate, and by examination of witnesses at this bar, into the conduct of certain high officers of the Federal Government, as well as private citizens.

They have opposed, and do object to this proceeding, because,
it does not fall within the province of this Senate, or within the compass of its powers and duties, and can lead to no legal or constitutional result.

They object to it, because it is a sort of criminal prosecution, in which neither the form, nor spirit of the law, or justice is observed—a prosecution against individuals not responsible to this Senate, for their public conduct—a proceeding without a prosecutor—without any specific charge, and without any notice or opportunity of defence given to the parties, who are accused, and whose honor and respectability are assailed; such an ex parte proceeding is, in the opinion of the undersigned, in violation of the plainest dictates of justice as well as of the reason and spirit of our constitution, which for the protection of the citizen, has prohibited the legislature from passing any bill of attainder, and has in all cases, secured to the accused, the right to be heard in his own defence, and to "meet the witnesses face to face."

Finally, they object to this proceeding as unconstitutional and unprecedented—of evil and dangerous example, and readily to be perverted by party spirit, to the worst of purposes.

For these and other reasons, they solemnly protest against the said procedure, and will have no farther participation in it, and for explanation of their course and conduct on the subject, they desire that this their protest, may be entered on the journals of the Senate.

THO. D. CARNEAL,
THO. S. SLAUGHTER,
DICKSON GIVEN,
JAS. CRUTCHER,
WM. WOOD.

I join in the foregoing protest with this exception, that I consider it my duty to remain at my post and to participate in the investigation.

JOHN GREEN.

On the motion of Mr. Garrard—Ordered, That he be excused from serving on the committee appointed on yesterday, to inquire into a charge against Mr. Dudley, in the Spirit of Seventy-Six, and that Mr. Crutcher be added to the said committee.

Mr. M'Connell moved the following resolution, to-wit:

Resolved, That the names of the witnesses hereafter to be called, in the investigation which has taken place before the Senate, upon the resolutions heretofore introduced by the Senator from Green, (James Allen,) authorizing persons and papers to be sent for, to investigate certain subjects mentioned in said resolutions, shall be stated upon the journal, as also the county of which such witness is a resident, and also the name of the Senator by whom he is called as a witness.

Mr. Daviess moved to amend the said resolution by adding thereto, the following, to-wit:

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Resolved further, That the Senate assign managers, who are members of this House, to conduct the investigation now before the Senate, in which parol evidence is heard.

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. J. Green and Hardin, were as follows, to-wit:


The question was then taken on adopting the said resolution moved by Mr. McConnell, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McConnell and Hickman, were as follows, to-wit:


Mr. Maupin moved to take up the resolution for the adjournment of the General Assembly.

And the question being taken thereon, it was decided in the negative. The Speaker voted in the negative.

The yeas and nays being required thereon by Messrs. Maupin and Cockerill, were as follows, to-wit:


Mr. Slaughter presented the petition of Samuel Owens, Drury W. Poor and Joseph B. Bigger, deputy sheriffs of Logan county, representing that owing to a mistake in the commissioners books, they were compelled to pay into the public Treasury $94 37 1 8 as revenue for said county, for the year 1825, collectable in the year 1826, besides costs, and praying that a law may pass directing the amount improperly paid by them to be refunded.

Which was received and referred to a select committee of Messrs. Slaughter, Crutcher and Rodman.
Mr. Cockerill from the joint committee of enrollments reported, that the committee had examined enrolled bills of the following titles, to-wit:

An act to authorize the stockholders of the late independent banks to elect agents to close the concerns of said banks, and for other purposes.

An act regulating the terms of the Jefferson circuit court; and,

An act further to regulate the Cumberland Hospital.

And had found the same truly enrolled, and that the Speaker of the House of Representatives had signed the said bills.

Whereupon the Speaker of the Senate affixed his signature thereto, and the said bills were delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time Mr. Cockerill reported, that the committee had performed that duty.

A message was received from the House of Representatives announcing the passage of bills of the following titles, to-wit:

An act for the benefit of the keeper of the Penitentiary.

An act to amend the several acts more effectually to suppress the practice of duelling.

An act to allow additional constables in certain counties. And,

An act for the benefit of Peter Curtner.

And that the House of Representatives have concurred in the amendments proposed by the Senate, to a bill from that House, entitled, "an act to amend an act imposing a duty on sales at auction in the county of Louisville, for the benefit of the Louisville Hospital," approved December 17, 1821, except the amendment to the title, to which they have disagreed.

Agreeably to the resolutions adopted on the 25th ultimo, the examination of witnesses was resumed.

Amos Kendall, a resident of Franklin county, was again called by Mr. Daviess, and further examined.

In the progress of the examination, Mr. Daviess asked Mr. Kendall, did you get information three or four weeks before the Presidential election last, that if Mr. Adams was made President, Mr. Clay would be his secretary, and in what way did you receive that information?

Answer—I received the information from Francis P. Blair.

Mr. Daviess, for years past, been the intimate and confidential friend of Henry Clay.

Any answer to these questions was objected to by Mr. Hardin, because the evidence attempted to be obtained by the first is incompetent; being purely of a hearsay character, and the second is impertinent and irrelevant to the subject under investigation, and because the witness whose statements is attempted to be proven, to-wit, Francis P. Blair, is present at the bar of the Senate.
The question being taken whether the witness should answer said questions, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Davie and Rodman, were as follows, viz:


Francis P. Blair, a resident of Franklin county, was then called as a witness, by Mr. Davie.

Mr. Blair, when requested to be sworn, refused, and read the following protest, to wit:

I object to be sworn to give evidence in this enquiry—I hold that the 5th resolution of the Senate, declaring certain charges "to be utterly false and malicious," and made throughout the United States, "to blast the reputation of the distinguished members of Congress from this state, who voted for John Q. Adams," upon which this investigation is founded, does not furnish a subject constitutionally cognizable by this Senate, either as a branch of the legislature, or as a judicial tribunal. But while I deny the right, I submit to the power of the Senate, and will abide its ultimate decision.

I also object, because the information I have, touching this enquiry, was obtained in the course of friendly correspondence and a private correspondence, which I deem confidential—such at least, as was never designed for publication.

I assure the Senate, that I am not actuated in withholding my testimony, by any consideration of the effect it might have on the reputations of the persons alluded to in the resolution, or on those incriminated as having made false charges against them. I oppose myself to a precedent, which goes to violate confidential correspondence, and to render unsafe all friendly, social and intimate intercourse among men—this obstacle it is not in the power of the Senate to remove, and I trust it will not exert its power to punish that good faith, which would preserve a principle that should be held inviolable, unless where the laws of the country demand the sacrifice.

Mr. Pope moved that Mr. Blair be sworn as a witness.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Davies and Pope, were as follows, to wit:

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Mr. Blair again refused to be sworn as a witness.

On the motion of Mr. Pope, Mr. Blair was permitted to retire from the bar of the Senate.

Micajah Harrison, a resident of Montgomery county, was called as a witness, by Mr. Daviess.

Mr. Harrison refused to be sworn as a witness.

Mr. Daviess moved that Mr. Harrison be sworn as a witness.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Daviess, were as follows, viz:


Mr. Harrison again refused to be sworn as a witness.

Mr. Dudley moved that said Micajah Harrison be committed to the jail of Franklin county, there to remain until he shall be willing to give testimony.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Dudley and M'Connell, were as follows, to-wit:


Mr. Harrison was then permitted to retire.

Mr. John T. Mason Jr. of Montgomery county, was called by Mr. Pope, sworn and examined.

Mr. John T. Johnson of Scott county, was again called by Mr. Daviess, and examined.

Mr. Daviess from the majority, moved a reconsideration of the vote by which Francis P. Blair was discharged from giving evidence before this House, for the purpose, if he still refuses to give his evidence, that this House may proceed to take compulsory steps against him, in order to compel him to give evidence.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Daviess and Dudley, were as follows, to-wit:


Mr. Pope then informed the Senate, that there were no other witnesses in attendance, those with whom he acted, wished to have examined.

Mr. Hardin informed the Senate that those with whom he acted did not wish to examine any witnesses.

A message in writing was received from the Governor by Mr. Pickett, secretary of state.

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, "an act to fix the ratio and apportion the representation for the ensuing four years," was taken up.

Resolved, That the Senate insist on their disagreement to the amendment giving one representative only to Lincoln and giving three to Washington.

That they insist on their disagreement to the amendment giving two to Nicholas and striking one from Montgomery.

That they insist on their disagreement to the amendment adding Bullitt to Hardin and Meade for electing a Senator.

That they insist on their disagreement to the amendment which takes Laurel from the Senatorial district of Knox, Clay, Harlan, Perry and Whitley, and adds it to Lincoln and Rockcastle.

Ordered, That a committee of three be appointed on the part of the Senate, to confer with such committee as may be appointed on the part of the House of Representatives, in relation to the said amendments; and Messrs. Hardin, Daviess and Fleming were appointed said committee.

Ordered, That Mr. Hardin inform the House of Representatives thereof.

And then the Senate adjourned.

MONDAY, FEBRUARY 4, 1828.

The Senate assembled.

After a part of the journal of Saturday was read, Mr. Wickliffe moved that the reading of the journal be dispensed with at present.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Fleming, were as follows, viz:

YEAS—Messrs. Beatty, Cunningham, Crutcher, Faulkner, Fleming, Givens, W. Green, Garrard, Gibson, Hardin, Hickman, Lockett,


Mr. Wickliffe then moved to dispense with the ordinary business of the morning.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Davies and Pope, were as follows, viz:


Mr. Wickliffe then moved to take up the report of the committee on internal improvements, made by him on the 7th of January.

Mr. Davies read and presented his objections in writing to the motion of Mr. Wickliffe.

The Speaker decided it was not in order to present written objections to the motion, for the purpose of putting them on the journals without the leave of the Senate.

Mr. Davies appealed from the decision of the Speaker.

And the question being taken, is the decision of the Chair correct? it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Davies and Maupin, were as follows, viz:


NAYS—Messrs. Davies and Maupin—2.

The question was then taken on taking up the said report on internal improvements, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Beatty, were as follows, viz:


The said report being under consideration, at twelve o'clock the Speaker directed the orders of the day to be taken up.

Mr. Wickliffe moved to dispense with the orders of the day. And the question being taken thereon, it was decided in the negative.

Mr. Cockerill, from the joint committee of enrollments, reported that the committee had examined an enrolled bill entitled, "An act to regulate the duties and powers of trustees of towns in this Commonwealth?"

And had found the same truly enrolled, and that said bill was signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and it was delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time, Mr. Cockerill reported that the committee had performed that duty.

Resolved, That the Senate recede from the amendment proposed by them to the title of a bill from the House of Representatives entitled, "an act to amend an act imposing a duty on the sales at auction, in the county of Jefferson, for the benefit of the Louisville hospital," approved, December 17th, 1821.

Ordered, That Mr. Hughes inform the House of Representatives thereof.

Messages were received from the House of Representatives, announcing the passage of the following bills, to-wit:

An act for the benefit of John Allen and others.

An act to amend the act authorizing the county courts to appoint inspectors of salt.

An act for the benefit of the heirs of Richard Barnett and others.

An act for the benefit of Elizabeth Lemon.

An act for the relief of John Deverin.

An act for the improvement of the navigation of Rough creek.

An act for the benefit of John Faughn.

An act to authorize certain county courts to appoint viewers to view a way from Richmond, in Madison county, to the Green river salt works.

An act concerning Salem academy, in Nelson county.

An act allowing an additional constable to the county of Franklin.

An act to amend an act entitled, "an act allowing additional justices of the peace and constables to certain counties," approved January 25th, 1827.

And the adoption of a joint resolution offering five hundred dollars for the discovery of the cause of the milk sickness.

And the passage of a bill which originated in the Senate enti-
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The said amendment was taken up, twice read and concurred in.

Ordered, That Mr. Garrard inform the House of Representatives thereof.

Bills from the House of Representatives of the following titles, viz:
1. An act concerning Floyd’s fork.
2. An act to amend the law in relation to costs.
3. An act to remove the seat of justice of Oldham county.
4. An act appropriating fines and forfeitures for the lessening of the county levy of certain counties.
5. An act to amend an act approved, February 4, 1815, in relation to justices of the peace.
6. An act to reduce the limits of the town of Mountsterling.

Were severally read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the first and sixth bills having been dispensed with;

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Crutcher inform the House of Representatives of the passage of the first bill, and Mr. Daniel of the sixth.

A bill concerning the Lunatic Asylum, and the amendments reported by the select committee, were taken up.

The first section of said bill is as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the commissioners of the Lunatic Asylum at Lexington, shall have the power from time to time, to employ a superintendent of the institution, and matron, at any salary they shall think proper, not exceeding for both, at the rate of five hundred dollars per annum. The said commissioners, shall have the right to prescribe to such superintendent, his duties, generally and specially, if they shall see proper so to do, and may dismiss such superintendent at pleasure.

The first amendment proposes to amend the said section, by striking out the words “at any salary they shall think proper, not exceeding for both,” printed in italics.

And the question being taken on concurring in the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McConnell and Wickliffe, were as follows, to-wit:


NAYS—Messrs. Beatty, Barrett, Cockerill, Cunningham, Dunlee.

The 2d and 4th amendments were disagreed to, and the 3d was concurred in.

Ordered, That the said bill be engrossed and read a third time to-morrow.

A bill from the House of Representatives entitled, “an act to provide for the building of bridges across certain water courses in Greenup county, was taken up and ordered to be read a third time as amended.

A bill appointing commissioners to settle the accounts of James I. Miles and William Holman, late agents of the penitentiary was taken up, and is as follows, viz:


Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor and Treasurer be and they are hereby appointed commissioners, to settle the accounts of James I. Miles, late agent of the penitentiary, and if upon such settlement, it shall appear that anything is due the said Miles, the Auditor shall draw a warrant on the Treasurer, who shall pay the same as in other cases.

The said commissioners shall also have power to settle with the Rev. William Holman, the agent appointed by the Governor, to sell all the unsold articles manufactured in the penitentiary previous to the time the present keeper was appointed; and upon the said Holman’s accounting for and paying into the Treasury, for all such articles as he may have sold, the said commissioners shall allow the said Holman such compensation as he may be entitled to by law, he having first exhibited his account upon oath.

And the question being taken on engrossing the said bill and reading it a third time, and it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. McConnell and Cockerill, were as follows, viz:


Bills from the House of Representatives of the following titles, viz:

1. An act for the benefit of the heirs of Thomas Gooch, deceased.
2. An act to incorporate the Lexington and Frankfort turnpike or rail road company.
3. An act to establish a state road from Brandenburg, on the Ohio river, to Bowling-green.

4. An act to authorize the receiver of public monies west of the Tennessee river to appoint a deputy.

5. An act to authorize the citizens of Middletown in Jefferson county, to elect trustees and for other purposes. And,

6. An act to authorize the insertion of advertisements in certain newspapers.

Were severally read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second reading of the said bills having been dispensed with, they were committed, the first to the committee for courts of justice; the second to a select committee of Messrs. Wickliffe, Dudley, Fleming and Garrard; the third to a committee of Messrs. W. Green, Cockerill, Cunningham and Crutcher; the fourth to a committee of Messrs. Given, Hardin and Summers; the fifth to a committee of Messrs. J. Hughes, White and Rodman; and the sixth to a committee of Messrs. Slaughter, J. Green and Maupin.

A bill to provide for the opening and keeping in repair, the public roads in the several counties in this Commonwealth, was read the second time and committed to a select committee of Messrs. Woods, Wickliffe, Beatty, A. S. Hughes, Cockerill, W. Green and Maupin.

A bill to provide for the election of President and Vice President of the United States, was read the second time and ordered to be engrossed and read a third time tomorrow.

A message in writing was received from the Governor, by Mr. Pickett, Secretary of State.

A bill from the House of Representatives entitled, 'an act authorizing circuit courts to decree the sale of slaves in certain cases, was read the second time as follows, viz:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in cases where one or more slaves shall be held by two or more persons, by purchase or devise, as joint tenants or in common, and an equal division cannot be made in kind, on account of the nature of the property, it shall be lawful for a court of chancery to decree a sale thereof, and the distribution of the money arising therefrom, according to the rights of each claimant, agreeably to the rules of equity.*

Ordered, That the said bill be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with; the question was taken on the passage thereof, and it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Wickliffe and J. Green, were as follows, viz:

Ordered, That Mr. Cockrell inform the House of Representatives thereof.

A bill from the House of Representatives entitled, "an act to incorporate the city of Louisville," was read the second time and committed to a select committee of Messrs. Wickliffe, Harbin, J. Hughes, Maupin, White and J. Green.

A bill from the House of Representatives entitled, "an act to amend the several acts concerning lunatics and idiotts," was read the second time, and laid on the table until the first day of June next.

A bill from the House of Representatives entitled, "an act to reduce the price of vacant land north of Walker's line," was read the first time as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, any person or persons, may acquire title to so much waste and unappropriated land in this Commonwealth, as he or they may desire to purchase, by paying into the public treasury, the consideration of two dollars and fifty cents, for every hundred acres, and at that rate in proportion for a greater or less quantity, and shall acquire title under the rules and regulations now prescribed by law: Provided however, that no survey made under the provisions of this act, shall be on any land in the territory south of Walker's line, or west of the Tennessee river, nor for a less quantity than fifty acres, unless the same is bounded, all round, by prior existing claims; Provided further, however, That any person who may now be residing on or may hereafter settle and reside on any vacant and unappropriated land as aforesaid, he or she so settling or settled, shall have the privilege, within twelve months after the passage of this act, of entering, surveying and obtaining a patent for one hundred acres, or a less quantity, including his or her improvement or settlement, in convenient form, free from the payment of any state price thereon, but before any settler shall be permitted to have a survey made under the provisions of this proviso, such settler shall prove to the satisfaction of the county court of the county where he or she has settled, that he or she has been and is at the time of such application, an actual settler on the land proposed to be taken up, a duplicate of such proof, certified by the clerk of said court, and for all which services he shall receive twenty-five cents, shall be sufficient authority to the surveyor of the county, to survey and
lay off the land therein mentioned, and upon the return of the plat and certificate thereof, to the Register's office, it shall be his duty to receive and record the same, and issue a patent thereon as in other cases. *Provided also, That no person shall have the privilege of entering, surveying or carrying into grant, more than the one hundred acres of land contemplated by this act.*

Sec. 2. *Be it further enacted, That the surveyors of the several counties in this Commonwealth, shall hereafter be allowed only two dollars and fifty cents, for making, recording and certifying each survey, where the same shall not exceed fifty acres.*

Sec. 3. *Be it further enacted, That the price of land warrants spoken of in the fifth section of an act entitled "an act further to regulate the debt due the Commonwealth, for the sale of vacant lands," approved December 19, 1825, shall, and the same is hereby reduced to two dollars and fifty cents, and may be secured by warrants of a general nature, referred to in this act: any law to the contrary notwithstanding.*

Mr. Hardin moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McCon nell and Faulkner, were as follows, to-wit:

**YEAS—Messrs. Barrett, Crutcher, Daviess, Dudley, Daniel, Faulkner, Green, W. Green, J. Green, Garrard, Gibson, Hardin, Lockett, M. Miller, Rodman, Slaughter, Summers, Smith, Taylor, White, Woods and Wickliffe—22.**

**NAYS—Messrs. Allen, Beatty, Cockerill, J. Hughes, A. S. Hughes, Maupin, McCon nell, Selby and Wood—9.**

A bill from the House of Representatives entitled, "an act to expedite the trial of civil actions," was read the second time and laid on the table until the first day of June next.

And then the Senate adjourned.

**TUESDAY, FEBRUARY 5, 1828.**

The Senate assembled.

Mr. Cockerill from the joint committee of enrollments reported that the committee had examined enrolled bills of the following titles, viz:

An act concerning Floyd's Fork.
An act to reduce the limits of the town of Mountsterling.
An act to amend an act imposing a duty on the sales at auction in the county of Jefferson for the benefit of the Louisville Hospital, approved December 17, 1821. And,
An act for the benefit of D. Trabue and others.
And had found the same truly enrolled, and that said bills were signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time Mr. Cockerill reported that the committee had discharged that duty.

Mr. White presented the petition of the heirs Thomas Gooch deceased, praying that the Register of the Land Office may be authorized to execute to them a deed for one thousand acres of land, in Owen county, which was sold for the taxes due thereon, and to which their ancestor was entitled, under said sale.

Which was received, read, and referred to the committee of courts of justice.

Mr. A. S. Hughes from the committee to whom was referred a bill to provide for the appointment of commissioners of public works, and for other purposes, reported the same without amendment; and the said bill was recommitted to a select committee of Messrs. Beatty, Wickliffe and A. S. Hughes.

Mr. Lockett from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to remove the obstructions to the navigation of Pond river," reported the same with an amendment.

Which being twice read, was concurred in.

Ordered, That the said bill, as amended, be read a third time.

Mr. McConnell from the committee to whom was referred, a bill from the House of Representatives entitled, "an act allowing the further time of one year for completing the Louisville and Portland canal," reported the same with an amendment;

Which being twice read, was concurred in.

Ordered, That the said bill, as amended, be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended to read, "an act allowing further time for completing the Louisville and Portland canal."

Ordered, That Mr. J. Hughes inform the House of Representatives thereof, and request their concurrence in the said amendments.

Mr. Wickliffe from the select committee to whom was referred a bill from the House of Representatives entitled, "an act to incorporate the Lexington and Frankfort turnpike or railroad company," reported the same with amendments;

Which being twice read, were concurred in.

Ordered, That the said bill be read a third time as amended.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;
Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Wickliffe inform the House of Representatives thereof and request their concurrence in the said amendments.

The yeas and nays being required on the passage of the said bill by Messrs. Daniel and Maupin, were as follows, to-wit:


After a short time a message was received from the House of Representatives, announcing their concurrence in the said amendments.

Mr. Given from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to authorize the receiver of public monies west of the Tennessee river, to appoint a deputy," reported the same with amendments.

Which being twice read, were concurred in.

Ordered, That the said bill be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Given inform the House of Representatives thereof and request their concurrence in the said amendments.

Mr. McConnell from the committee to whom was referred, a bill from the House of Representatives entitled, "an act further to regulate appeal bonds," reported the same with amendments.

Which being twice read, were concurred in.

Ordered, That the said bill, as amended, be read a third time.

Mr. Slaughter from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to authorize the insertion of advertisements in certain newspapers," reported the same without amendment.

Ordered, That the said bill be read a third time.

Mr. Hardin from the committee to whom was referred, a bill to enable and authorize the county court of Spencer county to build a bridge across Salt river, opposite to Taylorsville, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time to-morrow.

Mr. J. Hughes from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to au-
authorize the citizens of Middletown in Jefferson county to elect trustees, and for other purposes," reported the same without amendment.

Ordered, That the said bill be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. J. Hughes inform the House of Representatives thereof.

Mr. McConnell from the committee to whom was referred, the report of the Cashier of the Bank of the Commonwealth, made the following report, to-wit:

The committee to whom was referred, the report of the Bank of the Commonwealth and branches, made in pursuance of a resolution of the Senate, have had the same under consideration.

The mother bank and some of the branches, are in the habit of making loans limited in their amounts on real transactions; that is, they make small loans for sixty, ninety or one hundred and twenty days, and the whole amount is payable when the first note so taken falls due, without the right to renew. The committee, from all the evidence before them, cannot undertake either to approve or censure this proceeding. It may tend to promote the interest of the institution and of the Commonwealth, when this power is exercised with economy and a sound discretion, and loans made with a sparing hand upon undoubted security. It may tend to the injury of the institution, by throwing into circulation a quantity of the paper that was never contemplated by the legislature, and by creating bad debts, the loss of which must be borne by the Commonwealth.

The committee, therefore, will only remark, that the directors that make these loans must subject themselves to the just censure of the legislature and the community, whenever the exercise of this power shall have been abused, or result to the injury of the Commonwealth, its bank or bank paper. The committee have ascertained that three of the branches, to-wit: the branches at Princeton, at Harrodsburg and at Mountsterling, have adopted the practice of making accommodation loans, that is, loans upon which one per cent per month only is made payable, and the notes are renewable at one hundred and twenty days. Shortly after the bank went into operation, the directors of the principal bank made an order that notes payable to the bank and branches should be renewable every one hundred and twenty days, and a portion of the original amount loaned, equal to one per cent per month together with the interest, should be paid and the note renewed. This salutary ordinance was understood and acted upon by the whole community, and has been recognized by all
succeeding legislatures, as being convenient for those who borrowed, and affording certain assurances that the whole amount originally loaned would have been called in, and the institution wound up at the end of about eight years and four months. The good sense of the community acquiesced in this course, and those who had been the enemies to the institution of the bank, forbore to complain, because they considered that a short time would terminate the existence of a paper currency, which was bottomed alone upon public opinion and public necessity, without one cent of gold or silver with which to redeem it. The friends of the bank and of a paper currency of this character were content, because they would receive accommodations equal to the exigencies of their then situations, and the indulgence afforded them was liberal in its nature. But it is believed by the committee, that neither the legislature nor the great mass of the community ever contemplated the reloan of the paper in this way, after it had once performed its office and had been withdrawn from circulation. On the contrary, the legislature have, from time to time, ordered the greater part of that withdrawn from circulation, to be cancelled by burning, and the community have, it is believed, cordially acquiesced therein. If no other evidence of the will of the people in regard to this bank paper had been given, the committee would suppose this to have been a sufficient indication of their intention, and of that of the legislature, that no reloans on these principles should have been made.

But the committee have endeavored to ascertain from what section or clause of the charter of the bank or branches, the authority to make loans of this nature is derived. None can be found. If construction be indulged in, it is believed that every fair and impartial construction is against the power. By the 11th section of the act establishing the bank, it is made the duty of the president and directors to make regulations as will secure to the citizens of each county in the state, a just proportion of the capital to be loaned. By the course of accommodation loans as now made, this fundamental rule of the charter is wholly disregarded. But it seems that some of the branches make loans of this character exclusively to directors. This it is believed, is, if possible, less warranted than the indiscriminate loans made by other branches. By the 15th section of the charter, it is provided that "no loan to any individual shall exceed one thousand dollars, except to the directors and the president of the principal bank and any branch thereof, who may severally borrow from said bank any sum not exceeding two thousand dollars, upon the same terms and conditions as other individuals." The 12th section of the act establishing the branches, provides, "that when a director either of the principal bank or any of its branches, shall be chosen from a county in which the principal or branch
is not located, said director's accommodation shall be deducted from the sum allotted to be loaned in that county from which such director is taken. If asked, "What sum allotted to be loaned?" The answer must plainly be, "the sum originally distributed to be loaned in each county agreeably to the amount of revenue payable by the respective counties in 1820, according to the terms of the charter.""

But if the directory did conclude from the whole tenor of the law, they had the power to reloan the bank paper, then it is certain that they ought, at or before the time proposed for such reloan, to have ascertained the amount to which the citizens of each county were entitled. How was this to be done? There is no way pointed out by the charter. To take the revenue paid into the public treasury for 1820, by the respective counties, could not be a just criterion. 1st. Because of the increase in some and the diminution in other counties both of population and revenue—2nd. Because since that period many new counties have been formed, and they not having paid a revenue in 1820, would be wholly excluded from participating in such reloans—3d. Because since that time considerable settlements have been made in this state, below the Tennessee river, in a territory which was then almost a total wilderness—4th. Because the charter itself made no provisions as to the time when this reloan was to commence, or as to the amount to be reloaned, or as to the notice to be given to the different counties in relation to such reloan, previous to making the same, which it is believed would be essential to a just distribution of the amount to be reloaned, and to an impartial disposition of the paper of the bank.

If however, construction alone is to govern in this matter, it is believed by the committee that the construction given by the legislature of the state, ought to prevail over that of the directors of the bank or any of its branches, and ought to be conclusive upon them. If the committee be correct in this position, then it is plain that such construction has been given and the directory that have thus reloaned upon accommodation, have directly disregarded this construction. For as early as 1821, the following resolution passed both Houses of the General Assembly and received the sanction of the Governor, to-wit: "Resolved, that the Commonwealth's Bank ought to continue moderate calls on its debtors, and that after the first day of August next, (1822) the paper of said bank ought to be gradually diminished at the rate of at least twelve per cent per annum, and retained in the bank until the said bank shall commence paying specie for its notes." [Session acts of 1821, page 470.]

Again, in 1822, the legislature after reciting that some of the branches were calling in the paper loaned, at the rate of two per cent per month, resolved that the president and directors of the Bank of the Commonwealth and each of its branches be and
they were thereby directed and required to continue the calls upon the debtors to said bank and branches, at one per cent per month as heretofore, and no more.

The committee believe these resolutions, and those which have from time to time passed the legislature, for burning the paper called in, thereby showing a determination on the part of the legislature not to reloan, until the bank should be in the possession of a specie capital with which to redeem its notes, are conclusive of the question.

The committee would be glad to have stopped here, and not have been compelled to notice in the conduct of some of the directory who have been thus making reloans upon accommodation notes, a manifest departure, not only from the will of the legislature so repeatedly expressed, but also from the fair interpretation and intent of the charter itself. The directory of some of these branches have thus reloaned only to their brother directors. They have not only thus confined their reloans to directors, but they have made them, when, as is believed by the committee, it was known that the director borrowing did not desire it for his own use, but for the use of others, who by their rules of exclusive privileges in favor of directors, were prohibited from a direct loan in their own names. These individuals thus indirectly borrowing the paper, did not in the language of the bank charter, make oath "that they intended and expected to apply the money or accommodation desired in the purchase of the products or stock of the country for the exportation thereof." But in many instances it appears that the paper thus obtained was applied to the payment of calls and interest upon original debts due the bank, and for the purpose of reinstating such debtors in their credit when they had by their delinquencies already forfeited their right to credit under the latter clause of the 8th section of the charter. The committee deem it unnecessary to enter into any argument to prove to those who have read the charter, and especially the 15th section, and the several resolutions and expressions of legislative will, herein before alluded to, that directors have no exclusive privileges of this character, nor is it believed necessary, when attention is given to the first clause of the 7th section, to trouble this legislature with arguments to shew even if they had such exclusive privilege, that it could be fairly exercised for the accommodation of any other person than such director himself; nor is it deemed necessary to dilate upon the probable evils that would arise from a system of favoritism, on the part of the directory, that would soon grow up, and the danger not only to the safety of the institution, but to the morals of a portion of the community, if such a course were indulged in by all the branches and acquiesced in by the legislature. Under the power delegated by the Senate, the committee caused as many witnesses as
they found within their immediate reach to come before them, from whose testimony and the reports of the branches themselves, the facts assumed in this report are established, and for the information of the legislature, that evidence is herewith submitted.

The committee have experienced the great inconvenience resulting from a call upon the branches for information, after the meeting of the legislature, owing to the remote situation of many of the branches from the seat of government. They have therefore presented with others, a resolution requiring them to give to the legislature, through the principal bank, certain information which it is thought will be important.

It is also believed by the committee that no borrower of the bank paper upon accommodation, contrary to the will of the legislature so repeatedly expressed, and contrary to the plain intent of the charter, and contrary to the almost universal expectations and understanding of this community, can for a moment believe that injustice is done him, or any hardship imposed on him to make payment in such manner, as that the whole business of the bank, upon its present plan and with a view to the exclusion of any circulating medium that is not sound and substantial in its character, shall come to a close at the same period. If this course be not adopted, it will certainly be better that the bank should release the debt, than to form a corps of bank officers for the purpose alone of receiving calls and renewals of the notes of a few directors who have thus made, to say the least of them, ill timed loans from the institution.

Your committee therefore recommend the adoption of the following resolutions:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the board of directors of the principal bank, shall forthwith make an order upon the directors of the several branches, forbidding any loans, either directly or indirectly, upon accommodation transactions or notes renewable, either to directors or others; and further, that each of the branches shall so arrange the calls upon those to whom reloans have been made as mentioned in the preamble hereto, as to ensure a total extinguishment of such debts by the 10th day of October, 1831.

2. Resolved, That each of the branches report to the principal bank, immediately preceding the next session of the legislature, the amount of loans made annually since the 10th day of October 1823, upon notes renewable; and also, that each branch immediately preceding the next and every succeeding session of the legislature, report to the principal bank, the annual amount of curtailment upon the whole debt due such branch upon loans and reloans, of the same character since the same period, and that the principal bank report the same to the legislature, and
include in said report the amount of like loans and curtailments by the said principal bank.

3. Resolved, That hereafter the principal bank and each of the branches, shall keep a separate account of the curtailments of the debt due such bank or branch by voluntary payments, by regular calls and those made by legal proceedings; and shall annually exhibit a statement of the same in their report, required by the preceding resolution, and nothing herein contained shall be construed as a dispensation on the part of the legislature with any information or report heretofore required.

4. Resolved, That the several cashiers of the principal bank and each of the branches, shall forthwith open an account for judicial expenditures actually disbursed by the bank, and when costs or fees are received, set the same to the credit of said account, as provided in the second resolution, and shall in such report, specifically show the amount paid to attorneys or agents, the amount paid to clerks and other officers separately, under an appropriate head.

5. Resolved further, That the several cashiers of the principal bank and branches, shall in their annual report, opposite to each note that has lain over for sixty days or more, make a remark, shewing the reason why it has thus lain over without suit; they shall severally shew the date when the same was put in suit, and where suit shall have been brought for more than twelve months preceding the making out of the report, they shall make a remark, shewing the reason why the debt has not been collected.

6. Resolved further, That each of said cashiers shall annex to his annual report, the several debts hereafter contracted, (if any) which are believed to be certainly lost, the names of the directors who assented to the receipt of the note, upon which the loss is sustained, whether it be so sustained upon the original or a renewed note, and in reporting these facts, the cashiers shall take it that all the directors present at the time such note was received, assented to the same, unless their protest shall have been entered upon the minutes of their proceedings.

7. Resolved further, That the president of the principal bank, forthwith transmit a copy of the foregoing preamble and resolutions to the cashiers of the several branches, to be by him laid before the directory thereof at their first meeting.

Mr. Maupin moved to dispense with the ordinary business of the day.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Maupin and Cockerill, were as follows, viz:

YEAS—Messrs. Allen, Cockerill, Cratcher, J. Green, Gibson, J-
Mr. Slaughter from the committee appointed for that purpose, reported a bill for the benefit of the sheriffs of Logan county; which was read the first time and ordered to be read a second time.

Mr. W. Green from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to establish a state road from Brandenburgh on the Ohio river, to Bowling green," reported the same with amendments; which were twice read and concurred in.

Ordered, That the said bill be read a third time.

And thereupon the rule of the Senate, constitutional provisions, and third reading of the said bill having been dispensed with:

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. W. Green inform the House of Representatives thereof, and request their concurrence in the said amendments.

Messages were received from the House of Representatives announcing the passage of bills of the following titles, to-wit:

An act authorizing the trustees of Grant seminary to sell their donation land.

An act to amend the law concerning public roads.

An act to add the county of Mercer to the twelfth judicial district.

An act to change the place of holding the election in the Marengo precinct, in the county of Hardin.

An act authorizing the appointment of trustees to the Jefferson and Morgan seminaries.

An act to authorize the county court of Grant to sell a part of the public ground.

An act for the benefit of Edmund Collins.

An act to authorize the Secretary of State to purchase seventy-five copies of the digest.

An act to amend the act for the better regulation of the town of Winchester.

An act vesting the trustees of Springfield with power to pave the streets of said town.

An act for the regulation of the town of New-Market in Washington county.

An act to change the place of holding elections in the south precinct in Washington county.

An act to repeal so much of an act approved December 21,
Feb. 3.]

THE SENATE.

1835, as allows an additional justice of the peace to the county of Bath, as requires the same to reside in the town of Sharpsburg.

An act for the relief of John M'Ferran, Alanson Trigg and Hiram L. Faris.

An act to authorize the sale of part of the public square in the town of Mount-Vernon, in Rockcastle county.

An act declaring Tradewater river navigable.

An act for the benefit of the heirs of David Dickerson deceased.

An act for the benefit of Beverly Brown.

An act making a further appropriation for the rebuilding of the Capitol, and for other purposes.

An act providing for the establishment of common schools throughout the Commonwealth.

An act to establish Eagle creek a navigable stream.

An act to encourage a publication of a digest of the decisions of the Court of Appeals.

An act more effectually to suppress the practice of permitting slaves to hire their own time.

And that the House of Representatives have concurred in the amendments proposed by the Senate, to bills from that House of the following titles, to wit:

An act allowing the further time of one year for completing the Louisville and Portland canal.

An act to authorize the receiver of public monies west of the Tennessee river, to appoint a deputy.

Mr. Wickliffe moved the following resolution, to wit:

Resolved, That so much of the rule of the Senate as makes it the duty of the Speaker, to call for the orders of the day, at the hour of twelve o'clock, in each day; and which requires two thirds of the members present, to vote to dispense with going into the orders of the day, shall be, and the same is hereby repealed; but nothing in this resolution shall be so construed as to authorize less than a vote of two thirds of the members present to dispense with the orders of the day, when they are entered upon by the Senate.

Which being twice read, at 12 o'clock, the Speaker directed the orders of the day to be taken up.

And the report of the committee on internal improvements, with the amendments offered thereto, were taken up.

Mr. Daviess moved a resolution, which was twice read, amended, and adopted as follows, to wit:

Resolved, That the Senate proceed to the examination of witnesses now in attendance, to wit: Mr. Miller, Doct. Bills and Mr. Hitt, in relation to the investigation before the House, embraced in a resolution calling for persons and papers, and that the
examination of said witnesses in relation to this matter, be closed on this day, on the part of the mover of said resolution, unless opposing testimony is introduced by other members.

The yeas and nays being required on the adoption of the said resolution by Messrs. Crutcher and McConnell, were as follows, viz:


**NAYS**—Messrs. Crutcher, Faulkner, Fleming, Lockett, McFall, Slaughter, and White—7.

And thereupon the said John S. Hitt, a resident of Bourbon county, was called by Mr. Allen, sworn and examined.

And the said Alvin W. Bills and Joseph Miller, residents of Bourbon county, were called by Mr. Pope, sworn and examined.

The amendment proposed by Mr. McConnell, to be prefixed to the first resolution reported by the committee on internal improvements is as follows, to wit:

**Resolved by the General Assembly of the Commonwealth of Kentucky,** That it is wholly unnecessary at this time to express any opinion upon the question, whether Congress has, or has not the power to construct a road or canal through or across any state, without the consent of such state; yet it is the opinion of this General Assembly, without hesitation or doubt, that Congress does possess that power with the consent of such state.

**Resolved,** That it is the deliberate opinion of this General Assembly, that the Congress of the United States, has the undoubted right to impose duties upon foreign agricultural products or merchandise, for the purpose and with the view of affording a protection to our own agricultural products or domestic manufactures.

The amendment moved by Mr. A. S. Hughes, proposes to substitute the following for the first resolution of said amendment, to wit:

**Resolved by the General Assembly of the Commonwealth of Kentucky,** That our Senators be instructed and our Representatives in Congress be requested, to use their influence and best exertions, to procure an act to pass the Congress of the United States, by which money shall be appropriated, and applied to the purpose of constructing the following post roads in this state, viz: a post road from Maysville by the way of Lexington, toward Nashville; as far as the Tennessee line, and also a post road from Lexington, by the way of Frankfort to Louisville, reserving to this state all the territorial jurisdiction, power and control over said roads.

**Resolved further,** That the Governor be requested to transm...
copies of the foregoing resolution, to each of our Senators and Representatives in Congress.

And the question being taken on adopting the said amendment proposed by Mr. A. S. Hughes, it was decided in the negative.

The yeas and nays being required thereon by Messrs. M'Connell and Lockett, were as follows, to-wit:


Mr. Dudley moved to amend the said amendment moved by Mr. M'Connell, by adding to the first resolution the following:

Which consent cannot in the slightest degree impair the sovereignty of the state, over such road or roads, when constructed, nor to authorize Congress to erect toll gates, or levy any tax or toll upon any person or persons or on property of any kind or description whatever, in passing thereon.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. M'Connell and Wickliffe, were as follows, viz:


Mr. Dudley then moved to amend the said first resolution by striking out these words, to-wit: "Yet it is the opinion of this General Assembly, without hesitation or doubt, that Congress does possess that power with the consent of such state," printed in italics.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. M'Connell and Fleming, were as follows, viz:


Mr. Maupin moved to lay the said report of the committee on
internal improvements, and all the amendments offered thereon, on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hickman and Daviess, were as follows, viz:


Mr. Beatty then moved to amend the said amendment by striking out the first resolution.

Mr. Pope called for a division of the question.

And the question was taken on striking out the first clause of the said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Beatty and Lockett, were as follows, viz:


The balance of the said first resolution was then stricken out.

Mr. Dudley then moved to amend the said amendment by substituting for the second resolution the following, viz:

Resolved, That the constitution of the United States ought to be amended so as to authorize Congress to impose duties upon foreign agricultural products or merchandise, for the purpose of affording reasonable protection to articles, the growth, produce or manufactures of domestic industry.

The question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Lockett and Wickliffe, were as follows, viz:

YEAS—Mr. Dudley—1.


The question was then taken on adopting the said amendment proposed by Mr. M'Connell, as amended, and it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. McConnell and Wood, were as follows, to-wit:


NAYS—Mr. Dudley—1.

The amendment proposed by Mr. Beatty, to the first resolution reported by the committee, was again read.

The fifth resolution of the said amendment is as follows, to-wit:

This legislature views with deep concern and feelings of just indignation, the efforts that are now making throughout the United States, to blast the reputation of the distinguished members of Congress from this state, who voted for John Q. Adams to be President of the United States. They have no hesitation in saying, it is their confirmed opinion, from great deliberation and a full examination of all the facts and evidence adduced, that the charges of bargain, sale and corruption, in the election of John Q. Adams, are utterly false and malicious, that they are brought forward, and endeavored to be sustained for party purposes, and to elevate General Jackson to the office of President of the United States.

Mr. Beatty moved to amend the said amendment by striking out the word “malicious,” printed in italics.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Maupin and Davies, were as follows, to-wit:


NAYS—None.

Mr. Beatty moved to amend the said amendment by striking out from the two last lines of the 5th resolution these words, “and to elevate General Jackson to the office of President of the United States.”

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Maupin and Barrett, were as follows, to-wit:

YEAS—Messrs. Allen, Beatty, Barrett, Cockerill, Cunningham, Crutcher, Davies, Daniel, Faulkner, Fleming, Given, W. Green, J. Green, Garrard, Gibson, A. S. Hughes, Hardin, Hick-
NAYS—None.

Mr. Crutcher then moved to amend the said fifth resolution by striking out the word "are," printed in italics, and inserting in lieu thereof the word "were," and by inserting before the word "endeavored," also printed in italics, the word "are," and by inserting after the word "sustained," the words "by many."

And the question being taken on adopting the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Davies and Hardin, were as follows, viz:


The question was then taken on adopting the said amendment proposed by Mr. Beatty, as amended, as a substitute for the last resolution reported by the committee, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Davies and Cockerill, were as follows, viz:


And then the Senate adjourned.

WEDNESDAY, FEBRUARY 6, 1828.

The Senate assembled.

Mr. Cockerill from the joint committee of enrollments reported, that the committee had examined enrolled bills of the following titles, to wit:

An act allowing further time for completing the Louisville and Portland canal.

An act to authorize the receiver of public monies west of the Tennessee river to appoint a deputy.

An act to authorize the trustees of Middletown in Jefferson county to elect trustees, and for other purposes.
And had found the same truly enrolled, and that said bills were signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time Mr. Cockerill reported, that the committee had performed that duty.

Mr. Woods from the committee to whom was referred, a bill from the House of Representatives entitled, "an act for the better regulation of the inspection of tobacco, and for other purposes," reported the same with amendments;

Which being twice read, were concurred in.

Resolved, That the said bill be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Woods inform the House of Representatives thereof and request their concurrence in the said amendments.

Mr. Woods from the committee to whom was referred, a bill to provide for the opening and keeping in repair the public roads in the several counties in this Commonwealth, reported the same without amendment.

Mr. Woods moved an amendment to said bill.

Mr. J. Green moved to lay the said bill and amendment on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Pope and Fleming, were as follows, to-wit:


The amendment proposed by Mr. Woods, was twice read as follows, to-wit:

Be it further enacted, That the sum of two hundred thousand dollars, out of the State funds in the Bank of the Commonwealth, are hereby appropriated to the purpose of improving the public roads in this Commonwealth, which shall be distributed among the several counties in this Commonwealth, in the same proportion as the amount of revenue, payable into the public treasury, by the several counties for the last year.
Be it further enacted, That the commissioners appointed by the several county courts in this Commonwealth, shall be entitled to draw from the Cashier of the Bank of the Commonwealth, such proportion of the said $200,000, as such county may be entitled to by the ratio hereby established, whose duty it shall be to appropriate such funds, to the purpose of working the public roads and building bridges in this Commonwealth.

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Crutcher and Gibson, were as follows, to-wit:


At 12 o'clock the Speaker directed the orders of the day to be taken up.

Mr. Maupin moved to dispense with the orders of the day.

And the question being taken thereon, it was decided in the negative; the rule of the Senate requiring the concurrence of two thirds.

The yeas and nays being required thereon by Messrs. Maupin and Hickman, were as follows, viz:


Messages were received from the House of Representatives, announcing the passage of the following bills, to-wit:

An act to add a part of Caldwell to Trigg county.

An act to amend the militia law.

An act for the benefit of Leonard B. Parker, deputy sheriff of Hardin county. And,

An act to allow an additional justice of the peace in Union county, and for other purposes.

And bills which originated in the Senate of the following titles, viz:

An act to continue in force the law providing for the appointment of Commonwealth’s Attorneys. And,

An act to amend and reduce into one the execution laws of this State, with amendments to the latter bill.
The report of the committee on internal improvements, made on the 7th of January, was again taken up.

On the motion of Mr. Wickliffe, the amendment proposed by Mr. Beatty on the 25th of January, was amended by adding to the second resolution these words, "and thence to New-Orleans."

Mr. Wickliffe moved to amend the said amendment by striking out the third resolution.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Daviess and Maupin, were as follows, viz:


NAYS—None.

Mr. Pope moved to amend the first resolution of the said amendment by adding thereto the following proviso, to wit:

Provided however, That the consent of each state, through which any such road may be made, be first obtained, and the territorial rights and jurisdiction thereof reserved; And provided also, That nothing in this resolution shall be construed to admit the power of the General Government to erect toll gates on such roads, or tax the people of any State, for travelling the same.

Mr. Hardin moved to amend the said amendment moved by Mr. Pope, by adding thereto these words, to wit: "to keep said roads in repair."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hardin and Fleming, were as follows, viz:


Mr. Pope moved further to amend the said amendment by adding thereto, the words "or for any other purpose whatever."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Daviess and Pope, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Cockerill, Daviess, Dudley,
Mr. Pope then moved to amend the fifth resolution offered by Mr. Beatty, by adding thereto the following, to-wit:

And this General Assembly feel it their duty further to declare, that the charges made against John Q. Adams, before the last Presidential election, in the western country, in the public prints and pamphlets, that he was hostile to the rights and interests of the west, and that he attempted, in the negotiation at Ghent, to sacrifice or prejudice the rights or interests of the western country, are utterly false, and were brought forward and circulated to destroy the confidence of the western people in the said John Q. Adams, and to promote the views of a rival candidate.

Mr. Hardin moved to amend the said amendment proposed by Mr. Pope, by striking out the words “and were brought forward and circulated to destroy the confidence of the western people in the said John Q. Adams, and to promote the views of a rival candidate.”

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Pope and Hardin, were as follows, viz:


The question was then taken on adopting the said amendment.
proposed by Mr. Pope, as amended, and it was decided in the negative. The Speaker voted in the negative.

The yeas and nays being required thereon by Messrs. Daviess and Garrard, were as follows, to-wit:


The said resolutions as amended, are as follows, to-wit:

1. Resolved by the General Assembly of the Commonwealth of Kentucky, That it is the deliberate opinion of this General Assembly, that the Congress of the United States has the undoubted right to impose duties upon foreign agricultural products or merchandise, for the purpose and with the view of affording a protection to our own agricultural products or domestic manufactures.

2. Resolved, That it is the deliberate opinion of both branches of the legislature, that the government of the United States, constitutionally possess the power to make and construct canals and roads, within the United States and territories belonging to and under the government of the United States, for the purpose of furthering the military operations of the government, and the transportation of the mail; and that said government has the right to judge and decide when those objects call for and demand such improvements.

3. Resolved by the members aforesaid, That we most cordially approve of the policy of the present administration in its efforts to extend the great national road from Wheeling to Columbus, in the state of Ohio; thence to Indianapolis, in the state of Indiana; thence to Vandalia, in the state of Illinois; and thence to St. Louis, in the state of Missouri; and we equally approve the policy in extending a branch of said road by Chillicothe, in the state of Ohio; thence to Maysville and Lexington, in the state of Kentucky; thence to Nashville, in the state of Tennessee, and thence to New-Orleans.

4. Resolved, That our Senators be, and they are hereby instructed, and our Representatives in Congress, be requested to bring the subject of these resolutions before the Congress of the United States, to obtain appropriations to effectuate the policy herein pointed out and approved of.

5. This Legislature views with deep concern, and feelings of just indignation, the efforts that are now making throughout the United States, to blast the reputation of the distinguished members in Congress, from this state, who voted for John Q. Adams, to be President of the United States; they have no hesitation in
saying, that it is their confirmed opinion, from great deliberation, and a full examination of all the facts and evidence adduced, that the charges of bargain, sale and corruption, in the election of John Q. Adams, are utterly false, and that they were brought forward and are endeavors to be sustained by many for party purposes.

6. Be it further resolved, That we approve of the appointment of our fellow citizen Henry Clay, to the office of Secretary of State.

7. Resolved, That we approve of the measures of the present Administration, believing them to be wise, judicious and well calculated to preserve and perpetuate our Republican institutions in their true spirit, as handed down to us by our illustrious Presidents, Washington, Jefferson, Madison and Monroe, the wisdom and policy of whose measures, are displayed by the proud record of this nation, to an elevation of prosperity and happiness heretofore unknown in the annals of the world.

8. Resolved, That we disapprove of the opposition made in the Senate, at the last session of Congress, to the act to exchange the six per cent stock, for five per cent stock, by which the government lost a large sum of money, and we are fearful that party views, and not public interest actuated said opposition.

9. Resolved, That our Senators be instructed, and our Representatives in Congress be requested to represent to the President of the United States, the importance of the road proposed to be constructed, and request him to cause the same to be surveyed and laid out agreeably to the foregoing resolutions.

10. Resolved further, That the Governor be requested to transmit copies of the foregoing resolutions, and report to the President of the United States, and each of our Senators and Representatives in Congress, and that he also transmit copies thereof to each of the Governors of the United States, and request that they submit the same to the Legislatures of the said states respectively, with a further request on the part of this Legislature, that they yield their concurrence and support, in procuring the passage of an act of Congress, for the establishment and construction of said road.

A division of the question on the adoption of the said resolutions, as amended, was called for and the first resolution was adopted, and the question being taken on adopting the second resolution, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Pay and Hardin, were as follows, viz:

THE SENATE.

Feb. 7.]


The question was then taken on adopting the third resolution, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and W Green, were as follows, to wit:


The question was then taken on adopting the fourth resolution, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Beatty and Hardin, were as follows, viz:


And then the Senate adjourned.

THURSDAY, FEBRUARY 7, 1828.

The Senate assembled.

Mr. Cockeill from the joint committee of enrollments reported that the committee had examined enrolled bills of the following titles, viz:

An act to continue in force the law providing for the appointment of Commonwealth's Attorneys. And,

An act to incorporate the Lexington and Frankfort Turnpike or railroad company.

And had found the same truly enrolled, and that said bills were signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be laid before the Governor for his approval and signature.

After a short time Mr. Cockeill reported that the committee had discharged that duty.

Mr. Maupin moved to amend the Journal of Saturday last, by inserting after the refusal of Francis P. Blair, to be sworn when first called, the protest in writing read by the said Blair.
And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Maupin and Pope, were as follows, viz:


Mr. Hardin from the committee to whom was referred the nomination of Arthur Lee Campbell, to be commissioned surveyor of the military lands, vice Richard C. Anderson, deceased, made the following report, viz:

The select committee to which was referred, the nomination of Arthur Lee Campbell, as surveyor of the military lands belonging to the officers of the Virginia line, on continental establishment, in the place of Colonel Richard C. Anderson deceased, has had the subject under consideration, and respectfully report;

That by a resolution of the Virginia legislature, adopted 19th of December 1778, (Hennings' statutes, 10th volume, page 85,) all that tract of country bounded by Green river, and a south east course from the head thereof, to the Cumberland mountains, with the said mountains to the Carolina line, with the Carolina line to the Cherokee or Tennessee river, with the said river to the Ohio river, and with the Ohio river to the said Green river, was reserved for the officers and soldiers in the Virginia line; subsequent to that period, it was ascertained by the state of Virginia, that the line of North Carolina extended so far into the tract of land, as to render it probable there would not be land enough to satisfy all the claims, and by an act of the Virginia legislature, passed 1781, (same volume, page 465,) the land bounded by the North Carolina line, the Mississippi, Ohio and Tennessee, was also set apart and reserved for the officers and soldiers of the Virginia state and continental line.

In 1783 Virginia passed another act, by which a board of officers was organized, and they were authorized to appoint superintendents, who were empowered to appoint two surveyors on each line, separately or jointly, and to contract with the surveyors for their fee. The superintendents of the board of officers did contract with Major Croghan for the state line, and Colonel Richard C. Anderson for the continental line; which appointments were confirmed by the Governor and Council of Virginia; agreeably to the act organizing the board of officers, which is to be found in the 11th volume of Hennings' statutes, page 310; if either of the surveyors died the superintendents were authorized to fill the vacancy, by appointing another surveyor, who
was to be commissioned in the same manner. In March 1784, Virginia ceded to the United States, all her lands north west of the river Ohio, with certain reservations, among them was one-reserving all the lands between the Little Miami and Big Scioto, for the officers of the Virginia line upon continental establishment.

 Colonel Anderson and Major Croghan opened land offices, and permitted entries to be made in their books, for land within the respective reservations, from time to time, as the warrants were produced and entries requested to be made; that also, by themselves or deputies, caused surveys to be made upon said entries, or the greater part, which surveys when returned, with a plat thereto annexed, were recorded in books kept for that purpose. These offices were held by them during their lives; Croghan died in 1823 and Anderson died in 1826, neither of them was ever commissioned by the Governor of Kentucky. When Croghan died Colonel Richard Taylor was appointed his successor by the Governor, by and with the advice and consent of the Senate.

The first question now presented for the consideration of the Senate is, is there a vacancy in an office; and if there is, can the Governor and Senate fill said vacancy; For the reservation in the State of Ohio, over which Colonel Anderson claimed to be surveyor, even after Ohio became a state, it is presumed by the committee, no argument is necessary to prove that, the State of Kentucky cannot appoint a surveyor for the military district lying between the rivers Miami and Scioto, and over that section of country, can exercise no act of sovereignty and jurisdiction whatever. The next branch of the enquiry is, can the Governor and Senate fill the vacancy for this state. It is the opinion of the committee he cannot; there is no such office known to the constitution and laws of Kentucky; by the constitution and laws of Kentucky, there is to be a surveyor nominated by the county court of each county, and commissioned by the Governor; and from the information which the committee can obtain, there is now a regular surveyor for each of the counties in which the military lands are situated, and the committee cannot find any thing in the laws and constitution, which authorize a separate surveyor for military lands, and they feel confident none does exist.

The committee is well aware of the act of 1792, by which the Governor was authorized to appoint surveyors for the military lands; but under that law, no commission ever issued to either Croghan or Anderson, and it seems to have passed more out of abundant caution than any thing else, and without attending to the manner in which Croghan and Anderson had obtained their appointments.

The committee would further remark, that since that time, the constitution has been adopted, which requires a surveyor
And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Maupin and Pope, were as follows: viz:


Mr. Hardin from the committee to whom was referred the nomination of Arthur Lee Campbell, to be commissioned surveyor of the military lands, vice Richard C. Anderson, deceased, made the following report, viz:

The select committee to which was referred, the nomination of Arthur Lee Campbell, as surveyor of the military lands belonging to the officers of the Virginia line, on continental establishment, in the place of Colonel Richard C. Anderson deceased, has had the subject under consideration, and respectfully report:

That by a resolution of the Virginia legislature, adopted 18th of December 1778, (Hennings' statutes, 10th volume, page 85,) all that tract of country bounded by Green river, and a south east course from the head thereof, to the Cumberland mountains, with the said mountains to the Carolina line, with the Carolina line to the Cherokee or Tennessee river, with the said river to the Ohio river, and with the Ohio river to the said Green river, was reserved for the officers and soldiers in the Virginia line; subsequent to that period, it was ascertained by the state of Virginia, that the line of North Carolina extended so far into that tract of land, as to render it probable there would not be land enough to satisfy all the claims, and by an act of the Virginia legislature, passed 1781, (same volume, page 465,) the land bounded by the North Carolina line, the Mississippi, Ohio and Tennessee, was also set apart and reserved for the officers and soldiers of the Virginia state and continental line.

In 1783 Virginia passed another act, by which a board of officers was organized, and they were authorized to appoint superintendants, who were empowered to appoint two surveyors one for each line, separately or jointly, and to contract with the surveyors for their fee. The superintendants of the board of officers did contract with Major Croghan for the state line, and Colonel Richard C. Anderson for the continental line; which appointments were confirmed by the Governor and Council of Virginia; agreeably to the act organizing the board of officers, which is to be found in the 11th volume of Hennings' statutes, page 310; if either of the surveyors died the superintendants were authorized to fill the vacancy, by appointing another surveyor, who
was to be commissioned in the same manner. In March 1784, Virginia ceded to the United States, all her lands north west of the river Ohio, with certain reservations, among them was one reserving all the lands between the Little Miami and Big Scioto, for the officers of the Virginia line upon continental establishment.

Colonel Anderson and Major Croghan opened land offices, and permitted entries to be made in their books, for land within the respective reservations, from time to time, as the warrants were produced and entries requested to be made; that they also, by themselves or deputies, caused surveys to be made upon said entries, or the greater part, which surveys when returned, with a plat or other annexed, were recorded in books kept for that purpose. These offices were held by them during their lives; Croghan died in 1823 and Anderson died in 1826, neither of them was ever commissioned by the Governor of Kentucky. When Croghan died Colonel Richard Taylor was appointed his successor by the Governor, by and with the advice and consent of the Senate.

The first question now presented for the consideration of the Senate is, is there a vacancy in an office; and if there is, can the Governor and Senate fill said vacancy; for the reservation in the State of Ohio, over which Colonel Anderson claimed to be surveyor, even after Ohio became a state, it is presumed by the committee, no argument is necessary to prove that, the State of Kentucky cannot appoint a surveyor for the military district lying between the rivers Miami and Scioto, and over that section of country, can exercise no act of sovereignty and jurisdiction whatever. The next branch of the inquiry is, can the Governor and Senate fill the vacancy for this state. It is the opinion of the committee he cannot; there is no such office known to the constitution and laws of Kentucky; by the constitution and laws of Kentucky, there is to be a surveyor nominated by the county court of each county, and commissioned by the Governor; and from the information which the committee can obtain, there is now a regular surveyor for each of the counties in which the military lands are situated, and the committee cannot find any thing in the laws and constitution, which authorize a separate surveyor for military lands, and they feel confident none does exist.

The committee is well aware of the act of 1792, by which the Governor was authorized to appoint surveyors for the military lands; but under that law, no commission ever issued to either Croghan or Anderson, and it seems to have passed more out of abundant caution than any thing else, and without attending to the manner in which Croghan and Anderson had obtained their appointments.

The committee would further remark, that since that time, the constitution has been adopted, which requires a surveyor;
for each county, and that each county officer shall live within his county, for which he is surveyor. Mr. Campbell and his counsel, before this committee, seemed to place great reliance upon the necessity of such an officer, to take possession and safely keep the books; the necessity of having the books taken care of, is sensibly felt by the committee, but it does not prove that there is now an office vacant, and which the Governor and Senate can fill; but on the contrary, goes strongly to prove, that the legislature ought to give these books another destination. They contain the evidences of titles to several millions of dollars worth of land; good faith towards the State of Ohio, requires that those books should not be delivered over to a person who is not bound by law to give security for their safe keeping, and that the people of Ohio shall have access to them, without being subject to extortion in the way of fees. Moreover, a proper regard to the interest of the citizens of Kentucky, requires of the legislature, to see the books are properly taken care of, and that the people should have access to them; and in the opinion of the committee there is no place so safe and convenient for the people, as that the books shall be deposited in the Register’s office, and kept at the seat of government. It was contended before the committee, that the appointment of Col. Richard Taylor, to fill the office of Col. Croghan, is a precedent in point. It does not appear to this committee, that any question was made or thought of when Taylor was appointed, and they presume it passed without any notice being taken of it, further than the mere qualifications of Col. Taylor.

The committee would further remark, that should the superintendents of the board of officers appoint, and designate a surveyor for the Governor and Senate to commission, the question then, would not be free from doubt; but one thing is certain, that there is now no law authorizing the Governor and Senate to fill the place of Colonel Anderson, independent of the superintendents of the board of officers.

The committee has had some doubts upon another point, to wit: whose property are the books of entries and surveys? Are they public property belonging to the State of Ohio, for part, and Kentucky for the residue, or are they the private property of the Representatives of Colonel Anderson? nor do they intend, or deem it necessary to give an opinion upon that point now, but to leave that for future deliberation and adjustment hereafter. Should the Representatives of Colonel Anderson, claim the books, the State ought to take some measures to obtain possession of the books, and when obtained, not deliver them over to an irresponsible person, who gives no bond or security for their safe keeping, or that the people shall have access to them. A person who it is admitted, has no surveying to do, and whose whole and sole bu-
siness must be to keep the books, and make the people pay what he pleases for copies. To effectuate part of the views of the committee, they beg leave to report a bill, and as to the nomination of Arthur Campbell, they submit the following resolution:

P. S. Since the writing of this report, the chairman of the committee has had an opportunity of conversing with one of the representatives of Colonel Anderson, and he says that the representatives of Colonel Anderson claim the books of entries and surveys, together with the unrecorded surveys, as their private property, because the books were purchased by Colonel Anderson, and his fees were regulated by private contract with the superintendents of the board of officers, and that the retention of the books is the only means left to enable them to collect a considerable amount of unpaid fees; the said representative further remarked, that they would surrender the books to the Register, and leave the question of private or public property, in said books, to be adjusted hereafter, but at the same time he remarked, that the books would not be given up to a private individual.

Resolved, That the death of Colonel Richard C. Anderson, has not produced a vacancy in any office, which the Governor, by and with the advice and consent of the Senate, can fill.

Which was read and laid on the table.

Mr. Hardin from the same committee, reported a bill to provide for the safe keeping of the books of entries and surveys for military lands now in the possession of the representatives of Colonel Richard C. Anderson, deceased.

Which was read the first time, and laid on the table.

Mr. Daviess from the select committee appointed at the request of Mr. Dudley, made the following report, viz:

The select committee raised to enquire into certain charges against Jephtha Dudley, a member of this House, contained in the Spirit of '76, a newspaper published in the town of Frankfort, charging the said Dudley, or some one else, by strong insinuation with having clandestinely taken the account of Jacob H. Holeman, from the Clerk's table. Your committee, after having all the evidence adduced, have no hesitation in saying, that said charge was hastily made, and under a state of irritation, and so far as respects said Dudley, the charge is groundless, and although said account is mislaid or lost, yet your committee have no reason to believe said account was improperly taken by any person.

Mr. Garrard from the committee appointed for that purpose, reported a bill to authorize the 75th and 121st regiments to hold a court of appeals, and to regulate the fines of said regiments.

Which was read the first time, and ordered to be read a second time.
And thereupon the rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Garrard carry the said bill to the House of Representatives, and request their concurrence.

Mr. Beatty from the committee to whom was referred, a bill to provide for the appointment of commissioners of public works, and for other purposes, reported the same with amendments;

Which were twice read and concurred in.

Ordered, That the said bill be engrossed, and read a third time.

On the motion of Mr. Garrard—Ordered, That a message be sent to the House of Representatives, requesting leave to withdraw the report of the bill from that House entitled, “an act to add a part of Gallatin county to the county of Owen,” and that Mr. Garrard carry the said message.

After a short time, the said bill was returned to the Senate.

Mr. Smith moved to take up the resolution from the House of Representatives, for the adjournment of the General Assembly.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cockerill and Smith, were as follows, viz:


Messages were received from the House of Representatives, announcing the passage of bills of the following titles, viz:

An act for the benefit of securities.
An act to amend an act entitled, “an act to prevent the masters of vessels, or others, employing or removing persons of colour from this State.”
An act to provide counsel to go to Washington City, to defend the validity of the seven years limitation law.
An act for the benefit of the heirs of Peter Abell deceased.
An act for the benefit of Amy Ann B. Gibson.
An act to provide for the erection of Bridges across Rockcastle River, upon the Turnpike and wilderness road.
An act for the benefit of Nancy Vaugh and Lydia Rayne. And,
An act for the divorce of R. Tomlinson, and others.
And bills which originated in the Senate of the following titles:

- An act to amend an act entitled, “an act to regulate the several laws regulating the towns of Harrodsburg, Richmond and Hopkinsville,” approved December 21, 1825.
- An act for the benefit of the commissioners appointed to fix the county seat of Anderson county.
- An act concerning the appropriation of fines and forfeitures in the counties of Mason and Nicholas.
- An act for the benefit of the clerk of the Nicholas circuit court.
- An act to establish an election precinct in Floyd county, and for other purposes.
- An act to restore Eliza B. Shannon and Malinda Morris to the privileges of feme sole.
- An act for the benefit of John E. Wilson.
- An act to ratify and confirm the line of 36° 30’, as run by Thomas J. Matthews.
- An act to establish a female academy in the town of Harrodsburg.
- An act to establish an election precinct in the county of Barren, and for other purposes.
- An act to add a small part of Warren to Allen county.
- An act for the benefit of the heirs of Peter Follis.
- An act for the benefit of the surveyor of Hopkins county.
- An act regulating the town of Salvisa in the county of Mercer.
- An act to amend an act entitled, “an act for the opening a road from Cynthiana to Maysville,” approved January 24, 1827.
- An act for the benefit of the heirs of Newell Beauchamp, deceased.
- An act to amend an act entitled, “an act to incorporate Jamestown in Russell county, and for other purposes, approved January 29, 1827, and allowing an additional justice of the peace to Casey county.”
- An act appointing commissioners to view and mark a State road from Frankfort to the Tennessee line, in the direction to Georgia and Alabama, and for other purposes.
- An act to authorize the draining of certain ponds in Jefferson county.
- An act to authorize the county court of Logan to appoint commissioners to settle with Spencer Curd as commissioner appointed by law to sell a part of the real estate of Nathaniel Drake, deceased.
- An act to extend the powers of the trustees of New-Castle; And
- An act supplemental to an act entitled, “an act for the benefit of Thomas Smith and others,” approved the 31st of Dec. 1827. And that they have concurred in a resolution for placing in Transylvania University, a sextant belonging to the State.
- And that they have disagreed to the amendments proposed by
the Senate, to a bill from that House entitled, "an act for the better regulation of the inspection of tobacco and for other purposes."

And that they have concurred in the amendments proposed by the Senate to a bill from that House entitled, "an act to establish a State road from Brandenburgh on the Ohio river, to Bowling-green."

And that they have concurred in the report of the committee of conference, on the disagreement between the Houses, on the bill from the Senate entitled, an act to fix the ratio and apportion the representation for the ensuing four years.

And that they have disagreed to bills from the Senate entitled,

An act permitting an individual to erect gates across public roads under certain restrictions.

An act for the benefit of Isaac and Alfred Shelby; And,

An act appropriating an individual to erect gates across public roads under certain restrictions.

An act for the benefit of Isaac and Alfred Shelby; And,

An act appropriating an individual to erect gates across public roads under certain restrictions.

An act for the benefit of Isaac and Alfred Shelby; And,

An act appropriating an individual to erect gates across public roads under certain restrictions.

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An act appropriating an individual to erect gates across public roads under certain restrictions.

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An act appropriating an individual to erect gates across public roads under certain restrictions.

An act for the benefit of Isaac and Alfred Shelby; And,

An act appropriating an individual to erect gates across public roads under certain restrictions.

An act for the benefit of Isaac and Alfred Shelby; And,

An act appropriating an individual to erect gates across public roads under certain restrictions.

An act for the benefit of Isaac and Alfred Shelby; And,

An act appropriating an individual to erect gates across public roads under certain restrictions.

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An act appropriating an individual to erect gates across public roads under certain restrictions.

An act for the benefit of Isaac and Alfred Shelby; And,

An act appropriating an individual to erect gates across public roads under certain restrictions.

An act for the benefit of Isaac and Alfred Shelby; And,

An act appropriating an individual to erect gates across public roads under certain restrictions.

An act for the benefit of Isaac and Alfred Shelby; And,

An act appropriating an individual to erect gates across public roads under certain restrictions.

An act for the benefit of Isaac and Alfred Shelby; And,

An act appropriating an individual to erect gates across public roads under certain restrictions.

An act for the benefit of Isaac and Alfred Shelby; And,
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An act authorizing the sale of certain streets in the town of Russellville.
An act for the benefit of Susan W. Owen.
An act declaring Beaver creek a navigable stream.
An act to change the August terms of the Henry, Ohio and Hardin county courts, and the time of holding the Lewis circuit court.
An act for the benefit of Robert Patterson.
An act to authorize the stockholders of the late Independent Banks to elect agents to close the concerns of said Banks, and for other purposes.
An act to add an additional justice of the peace to the county of Boone.
An act to regulate the duties and powers of trustees of towns in this Commonwealth.
An act concerning Floyd's Fork.
An act to reduce the limits of the town of Mountsterling.
An act to amend an act imposing a duty on sales at auction, in the county of Jefferson, for the benefit of the Louisville Hospital, approved December 17, 1821.
An act allowing further time for completing the Louisville and Portland canal.
An act to authorize the receiver of public monies west of the Tennessee river to appoint a deputy.
An act to authorize the citizens of Middletown in Jefferson county to elect trustees, and for other purposes.

The report of the committee on internal improvements, made on the 7th of January, was again taken up.
The question was taken on adopting the fifth resolution, and it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Rodman and Beatty, were as follows, to-wit:


The question was then taken on adopting the sixth resolution, and it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Wickliffe and Daviess, were as follows, to-wit:

On the motion of Mr. Hardin, the seventh resolution was amended by inserting the word “prominent,” before the word “measures.”

The question was then taken on adopting the said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Daviess and Hardin, were as follows, viz:


**NAYS—Messrs. Allen, Barrett, Cockerill, Davies, Dudley, Daniel, J. Hughes, A. S. Hughes, Maupin, Pope, Rodman, Selby, Smith and Wood—14.**

On the motion of Mr. Taylor, the eighth resolution was amended by striking out the words, “by which a large sum of money was lost,” and inserting in lieu thereof, “by which a considerable sum would have been saved to the nation.”

The question was then taken on adopting the said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Daviess and Beatty, were as follows, viz:

**YEAS—Messrs. Beatty, Cunningham, Crutcher, Faulkner, Fleming, J. Green, Garrard, Gibson, Hardin, Hickman, Lockett, McMillan, Muldrow, Summers, Taylor, White, Woods and Wickliffe—18.**

**NAYS—Messrs. Allen, Barrett, Cockerill, Davies, Dudley, Daniel, J. Hughes, A. S. Hughes, Maupin, Pope, Rodman, Smith and Wood—13.**

The question was then taken on adopting the ninth resolution, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Beatty and Rodman, were as follows, to-wit:

**YEAS—Messrs. Beatty, Cunningham, Crutcher, Faulkner, Fleming, J. Green, Garrard, Gibson, Hardin, Hickman, Lockett, McMillan, Muldrow, Rodman, Summers, Taylor, White, Woods and Wickliffe—21.**

**NAYS—Messrs. Allen, Barrett, Cockerill, Davies, Dudley, Daniel, J. Hughes, A. S. Hughes, Maupin, Pope, Selby and Smith—12.**

On the motion of Mr. Wickliffe, the tenth resolution was amended by striking it all out after the word “Congress,” the first time it occurs.

The question was then taken on adopting the said resolution as amended, and it was decided in the affirmative.
On the motion of Mr. Wickliffe, the preamble to the said resolutions was amended as follows, to-wit:

- Ante, page 154, 4th line strike out empty—same page, 26th line, strike out of Governor Giles; 27th line after bacon insert or, at the end of that line insert other stock; 28th line strike out compound with him for his own tariff; 40th and 41st lines strike out no article and insert few articles; page 155, after the word find in the last line insert some of; page 158, after offices in the 33rd line insert so far as to protect them from abuse and apply them to national uses; page 159, strike out this fact, in the 24th line and insert these facts; same page, 40th line, strike out or river, and before improved insert or river to be; page 160, 33rd line, after Senate insert of the United States; page 161, 3d line, strike out chieftain and insert government; strike out from fortifications in the 4th line to the pride in the 9th line; 10th line strike out his and insert its; 16th line strike out county and insert country; 3d line from the bottom strike out will feel and insert feels, and page 162, last line for incumber read encounter.

The question was then taken on adopting the said preamble as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Cockerill and Daviess, were as follows, to-wit:


Ordered, That Mr. Wickliffe carry the said preamble and resolutions to the House of Representatives, and request their concurrence.

And then the Senate adjourned.

FRIDAY, FEBRUARY 8, 1828.

The Senate assembled.

Mr. Given, from the committee of enrollments, reported that the committee had examined and found truly enrolled, bills and a resolution of the following titles, viz:

- An act for the benefit of the commissioners appointed to fix the county seat of Anderson county.
- An act concerning the appropriation of fines and forfeitures in the counties of Mason and Nicholas.
- An act for the benefit of the clerk of the Nicholas circuit court.
- An act to establish an election precinct in Floyd county, and for other purposes.
An act to amend an act entitled, "an act to regulate the several laws, regulating the towns of Harrodsburg, Richmond and Hopkinsville," approved, December 21st 1825.

An act for the benefit of John E. Wilson.

An act to restore Eliza B. Shannon and Malinda Morris to the privileges of femes sole.

An act to ratify and confirm the line of 36° 30' as run by Thos. J. Matthews.

An act to add a small part of Warren to the county of Allen.

An act supplementary to an act entitled, "an act for the benefit of Thomas Smith and others," approved 31st of December, 1827.

A resolution for placing in Transylvania University, a Sextant, belonging to the State.

And that said bills and resolution were signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time Mr. Given reported, that the committee had performed that duty.

Four messages in writing were received from the Governor, by Mr. Pickett, Secretary of State.

Mr. Faulkner, from the committee of elections made the following report, viz:

The committee of elections, have according to order, had under consideration the returns from the several senatorial districts, and report the following gentlemen elected, to wit:

From the county of Clarke, William M'Millan; from the county of Henry, John Rodman; from the counties of Green and Hart, James Allen; from the county of Harrison, Peter Barrett; from the counties of Boone and Campbell, Thomas D. Carneal; from the counties of Warren and Allen and a part of Edmonson, Johnson J. Cockerill; from the counties of Hardin, Bullitt and Meade, and part of Spencer, James Crutcher; from the counties of Montgomery and Estill, Jesse Daniel; from the county of Mercer, Samuel Davies; from the counties of Lincoln and Rockcastle, and part of Laurel, John Green; from the counties of Jefferson and Oldham, John Hughes; from the counties of Franklin and Owen, and part of Anderson, Jepthah Dudley; from the counties of Christian and Trigg, Francis Summers; from the county of Garrard, John Faulkner; from the counties of Gallatin, Pendleton and Grant, David Gibson; from the counties of Knox, Harlan, Clay, Perry and Whitley, and a part of Laurel, Daniel Garrard; from the counties of Caldwell, Livingston, Calloway, McRacken, Graves and Hickman, Dickson Given; from the county of Bourbon, John L. Hickman; from the county of
Madison, Archibald Woods; from the counties of Nicholas and Bracken, Andrew S. Hughes; from the counties of Henderson, Hopkins and Union, Francis Lockett; from the counties of Bath, Floyd, Morgan and Pike, David K. Harris; from the counties of Woodford and Jessamine, Andrew Muldrow; from the county of Fleming, William P. Fleming; from the counties of Logan and Simpson, Thomas S. Slaughter; from the county of Washington, John Pope; from the counties of Adair and Casey, and part of Russell, Benjamin Selby; from the counties of Scott, Rhodes Smith; from the counties of Breckenridge, Ohio and Daviess, Willis Green; from the county of Mason, Robert Taylor; from the counties of Greenup, Lewis and Lawrence, John M. McConnell; from the counties of Shelby and part of Spencer, Samuel W. White; from the county of Fayette, Robert Wickliffe; from the counties of Nelson and part of Spencer, Benjamin Hardin; from the counties of Cumberland, Monroe and a part of Russell, William Wood; from the counties of Grayson, Butler and Muhlenburg, and a part of Edmonson, William Cunningham; from the county of Barren, Robert D. Maupin; and from the counties of Pulaski and Wayne, and a part of Russell, Martin Beaty.

The committee find the term of service of James Allen, Martin Beaty, James Crutcher, Jepthah Dudley, John Faulkner, Francis Lockett, Benjamin Selby, Rodes Smith, Robert D. Maupin and Jesse Daniel, expires the present year.

Thomas D. Carneal, Johnson J. Cockerill, Samuel Daviess, Daniel Garrard, Dickson Given, John L. Hickman, John Pope, Robert Wickliffe and William Wood, the year 1829.

Peter Barrett, William Cunningham, David Gibson, John Green, Andrew S. Hughes, John M. McConnell, Andrew Muldrow, Thomas S. Slaughter, Samuel W. White and Archibald Woods, the year 1830.

William M'Millan, Benjamin Hardin, Willis Green, John Rodman, David K. Harris, John Hughes, Francis Summers, Robert Taylor and William P. Fleming, the year 1831.

Which was read and concurred in.

Mr. McConnell, from the majority on the vote by which a bill appointing commissioners to settle the accounts of James I. Miles and William Holman, late agents of the Penitentiary, was rejected, moved a reconsideration thereof.

And the question being taken thereon, it was decided in the affirmative.

The said bill was amended, and ordered to be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that the title be, as
act appointing commissioners to settle the accounts of William Holman, late agent of the Penitentiary.

Ordered, That Mr. Daviess carry the said bill to the House of Representatives and request their concurrence.

Mr. Garrard from the majority on the vote by which a bill from the House of Representatives entitled, "an act to add a part of Gallatin county to the county of Owen" was rejected, moved a reconsideration thereof.

And the question being taken thereon, it was decided in the affirmative.

Ordered, That the said bill be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Dudley inform the House of Representatives thereof.

A bill from the House of Representatives entitled, "an act to provide for an additional chancery term of the Madison circuit court," was taken up.

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Wood inform the House of Representatives thereof, and request their concurrence in the said amendment.

A joint resolution for the erection of a tombstone or monument over the grave of John Fitch, read and laid on the table by Mr. Wickliffe, was taken up and committed to a select committee of Messrs. Wickliffe, Hardin and Crutcher.

Mr. Hardin from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to incorporate the city of Louisville," reported the same with amendments;

Which being twice read, were concurred in.

Ordered, That the said bill, as amended, be read a third time.

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to amend and reduce into one the execution laws of this State, were taken up, twice read and committed to the committee of courts of justice.

Mr. Hardin from the committee of conference on the part of the Senate, on the disagreement between the Houses, on the bill entitled, an act to fix the ratio and apportion the representation for the ensuing four years, made a report.

The said bill was taken up, and the said report was read as follows, to-wit:

The committee of conference have had under consideration the points of disagreement between the Senate and House of
Representatives in relation to the apportionment bill, and beg leave to report, that they have come to the following agreement, and recommend its adoption to their respective Houses.

The House of Representatives to recede from its amendments attaching the county of Bullitt to Hardin and Meade; and to recede also from the amendment striking one member from Montgomery and giving it to Nicholas. The Senate to concur in the amendment giving the county of Washington three members, and also the amendment attaching Laurel to Lincoln and Rockcastle as a Senatorial district.

BEN HARDIN, Chairman of committee on the part of the Senate.
ROBERT J. WARD, Chairman of committee from House of Representatives.

And the question being taken on concurring in the said report, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. J. Green and Wood, were as follows, to wit:


Ordered, That Mr. Hardin inform the House of Representatives thereof.

A bill from the House of Representatives entitled, "an act for the better regulation of the inspection of tobacco, and for other purposes," and the amendments thereto, were taken up, and laid on the table until the first day of June next.

The amendments proposed by the House of Representatives, to a bill from the Senate, entitled, an act for the benefit of Captain Mairs' company of the 114th regiment;

Was taken up, twice read and concurred in.

Ordered, That Mr. Fleming inform the House of Representatives thereof.

A bill to provide for opening and keeping in repair, the public roads in the several counties in this Commonwealth, was taken up, amended, and the question being taken on engrossing and reading said bill a third time to morrow, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Beatty and Wickliffe, were as follows:

A bill from the House of Representatives entitled, "an act to authorize the surveyors of Lincoln and Pike counties, to transcribe parts of their record books, and for other purposes," was taken up, and ordered to be read a third time as amended.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. J. Green inform the House of Representatives thereof and request their concurrence in said amendments.

Mr. Faulkner moved to take up the resolution for the adjournment of the General Assembly.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Maupin and Slaughter, were as follows, to-wit:


The said resolution was twice read as follows, to-wit:

IN HOUSE OF REPRESENTATIVES, J AN. 31, 1828.

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on Friday the 8th day of February, they will adjourn Sine Die.

Extract, &c.,

Attest, R. S. TODD, C. H. R.

The said resolution was amended by striking out Friday the 8th. Mr. Smith moved to fill the blank occasioned thereby; with Friday the 15th.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliff and Faulkner, were as follows, viz:


Mr. Beatty moved to fill the said blank with "Thursday the 14th."
And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Daviess and Cockerill, were as follows, to wit:


Mr. Wickliffe moved to lay the said resolution on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Garrard, were as follows, viz:


Mr. Pope moved to fill the said blank with “Wednesday the 13th.”

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Beatty, were as follows, viz:


The question was then taken on concurring in the said resolution as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Maupin, were as follows, viz:


Ordered, That Mr. Maupin inform the House of Representatives thereof, and request their concurrence in the said amendment.
The message from the Governor, received on the 4th instant, was taken up and read as follows, to-wit:

Gentlemen of the Senate:

James Davidson, Esq. Treasurer elect for the present year, has offered as his securities, the following gentlemen, viz: John Pope, John Green, Daniel Garrard, Martin Beatty, John Faulkner, Adam Wilson and Archibald Woods.

They are considered by me, to be sufficient, and are submitted for your advice and consent.

JOS. DESHA.

February 4, 1828.

Resolved, That the Senate advise and consent thereto.

Ordered, That Mr. Allen inform the Governor thereof.

The following message from the Governor was taken up and read, to-wit:

Gentlemen of the Senate:

In consequence of the removal of Oliver G. Waggener from this State, to the State of Tennessee, as I am informed and believe, I nominate for your advice and consent, Preston S. Loughborough, to be commissioned Adjutant General of the State of Kentucky.

JOS. DESHA.

January 29, 1828.

Ordered, That the said nomination be committed to a select committee of Messrs. Faulkner, Allen, A. S. Hughes and Garrard.

The following message from the Governor was taken up and read, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent, the following officers of the militia of this state.

William Ewing to be commissioned brigadier general of the 12th brigade.

Benjamin Porter, to be commissioned colonel of the 66th regiment, vice William Ewing, if promoted.

George W. Cook, lieutenant-colonel of the same, vice B. Porter, if promoted.

Armstrong M'Clintock, inspector of the 4th division Kentucky militia.

JOS. DESHA.

February 2, 1828.

Resolved, That the Senate advise and consent to the said appointments, except to that of Armstrong M'Clintock, whose nomination was committed to a select committee of Messrs. Faulkner, Garrard and A. S. Hughes.

Ordered, That Mr. Allen inform the Governor thereof.
The following messages from the Governor were taken up and read, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent, Abner W. Quinn, to be commissioned sheriff of Estill county, vice William Meadows, who has resigned.

JOS. DESHA.

February 7, 1828.

Gentlemen of the Senate:

I nominate for your advice and consent, John Fletcher, to be commissioned according to law, Keeper of the turnpike gate on the wilderness road.

JOS. DESHA.

February 7, 1828.

Gentlemen of the Senate:

I nominate for your advice and consent, Hugh Nelson, to be commissioned a trustee of the town of Columbus in Hickman county, vice B. Barner who has removed; he having been temporarily commissioned, since the adjournment of the last General Assembly.

JOS. DESHA.

February 7, 1828.

Resolved, That the Senate advise and consent to the said appointments.

Ordered, That Mr. Allen inform the Governor thereof.

The following message from the Governor was taken up and read, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent, the following officers of the militia.

William H. Caperton to be commissioned inspector of the second division Kentucky militia, vice Daniel Breck who has resigned.

Jacob A. Slack, lieutenant-colonel of the 15th regiment, vice John Hunter, resigned.

Thomas Nicholson, major of the same if Slack is promoted.

James Anderson colonel of the 97th regiment, vice N. S. Dal lam who has removed.

John Lander, lieutenant-colonel of the same, if Anderson is promoted.

David M'Coy, major of the 117th regiment, vice Wm. Wright who refuses to accept.

JOS. DESHA.

February 7, 1828.

Resolved, That the Senate advise and consent to the said appointments, except to those of Jacob A. Slack and Thomas Nicholson, whose nominations were referred to a select committee of Messrs. Faulkner, Fleming, M'Connell and A. S. Hughes.

Ordered, That Mr. Allen inform the Governor thereof.
Mr. Taylor presented the petition of Stephen Lee, praying that the Senate do not advise and consent to the appointment of the said Jacob A. Slack.

Which was received, and with the accompanying documents referred to the committee to whom the nomination of said Slack was referred.

Mr. Pope from the committee of courts of justice, to whom was referred, the amendments proposed by the House of Representatives, to a bill from the Senate entitled, an act to amend and reduce into one, the execution laws of this State, reported the same.

Mr. M'Connell moved that the Senate do concur in the said amendments which propose to strike out so much of the bill as authorizes a ca. sa. to be issued, and regulates the proceedings thereon.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wood and Maupin, were as follows, to wit:


Resolved, That the Senate disagree to the amendments which propose to strike out so much of the said bill as relates to the writ of elegit, and which directs that certain property taken under execution to be sold at the court house; and that the Senate concur in the other amendments.

Ordered, That Messrs. M'Connell, Pope and Wickliff be appointed a committee on the part of the Senate, to confer with such committee as may be appointed on the part of the House of Representatives in relation to the said disagreement between the Houses.

Ordered, That Mr. M'Connell inform the House of Representatives thereof and request the appointment of a committee on their part.

A bill from the House of Representatives entitled, "an act to add a part of Morgan to Fleming county," was read a third time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all that part of the county of Morgan lying on the Fleming county side of the following line, viz: beginning on the Fleming county line where the Morgan county line strikes the waters of Trippell's creek, thence so as to include the place on
which James Christy now lives, thence so as to strike the Lawrence county line about one mile from where the same intersects the Greenup line, be and the same is hereby added to and made a part of the county of Fleming.

And the question being taken on the passage of the said bill, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Daniel and M'Connell were as follows, viz:


**NAYS**—Messrs. Allen, Beatty, Barrett, Cockerill, Cunningham, Crutcher, Daviess, Dudley, Daniel, Faulkner, Fleming, Given, W. Green, J. Green, Gibson, J. Hughes, Hardin, Maupin, M. Millan, Rodman, Selby, Slaughter, Summers, Smith, Taylor, Woods and Wickliffe—27.

Ordered, That Mr. Daviess inform the House of Representatives thereof.

Bills of the following titles, viz:

1. A bill further to regulate the Bank of the Commonwealth.
2. A bill to repair the Salt river hill, on the road from the mouth of Salt river to Elizabethtown.
3. A bill for the benefit of Peter Slagle and Charles Mullens.

Were severally read the second time: the first bill was laid on the table; the second was committed to a select committee of Messrs. Crutcher, Hardin and W. Green; and the third was ordered to be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the third bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Beatty carry the said bill to the House of Representatives, and request their concurrence.

An engrossed bill entitled, "an act to repeal parts of an act, approved, January 7th, 1824, entitled, an act to revise and amend the champerty laws, and more effectually to secure the bona fide occupants of lands within this Commonwealth," was read the third time.

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. A. S. Hughes and M'Connell, were as follows, viz:


**NAYS**—Messrs. Allen, Barrett, Cunningham, Dudley, Daniel,
Resolved, That the title be amended by inserting after "cham­perty," the words "and maintenance."

Ordered, That Mr. Summers carry the said bill to the House of Representatives and request their concurrence.

A bill from the House of Representatives entitled, "an act for the benefit of John Cooper," was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Beatty inform the House of Representatives thereof.

An engrossed bill of the following title:
An act to amend the penal laws, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. M'Millan carry said bill to the House of Representatives and request their concurrence.

An engrossed bill entitled, "an act to enable and authorize the county court of Spencer county, to build a bridge across Salt river, opposite to Taylorsville," was read a third time.

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. J. Green and Hardin, were as follows, viz:


Resolved, That the title of the said bill be as aforesaid.

Ordered, That Mr. Hardin carry the said bill to the House of Representatives and request their concurrence.

A bill from the House of Representatives entitled, "an act to amend the several acts more effectually to suppress the practice of duelling," was read the first time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That whenever it may become necessary to administer the oath, directed by the several acts of Assembly, more effectually to suppress the practice of duelling, to any officer in this Commonwealth, it shall be so amended as to insert the first day of November, one thousand eight hundred and twenty-seven, instead of the first day of November, one thousand eight hundred and twenty-four.
Mr. Maupin moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Davies and Barrett, were as follows, to-wit:


Messages were received from the House of Representatives, announcing the passage of bills which originated in the Senate, of the following titles, viz:

An act concerning the 70th regiment of Kentucky militia.

An act appointing commissioners to lay off and mark a State road from Harrodsburg to Smithland, in the county of Livingston.

And,

An act for the benefit of Captain Mairs' company, of the 114th regiment, with an amendment to the latter bill.

An act providing for the appointment of an engineer to survey the Kentucky, Licking and Green rivers.

And,

An act for the benefit of James Patton.

And of a bill which originated in the House of Representatives entitled, "an act for the appropriation of money."

And that they have concurred in the amendments proposed by the Senate to bills and a resolution from that House of the following titles:

An act to authorize the surveyors of Lincoln and Pike counties to transcribe parts of their record books, and for other purposes.

And,

An act to provide for an additional chancery term of the Madison circuit court.

And,

A resolution for the adjournment of the General Assembly.

Bills which originated in the House of Representatives of the following titles:

1. An act prescribing the mode of proceeding against civil officers for issuing illegal fee bills.

2. An act to authorize the clerks of courts to administer oaths in vacation, in certain cases.

3. An act prescribing the mode of choosing electors to vote for President and Vice President.

4. An act for the benefit of the heirs of James Neely, deceased.

5. An act to legalize the proceedings of the Madison and Bulitin county courts.

6. An act for the appropriation of money.
Mr. Speaker—The House of Representatives have passed a bill from the Senate entitled, an act for the benefit of Joseph Paxton, with an amendment, in which they request the concurrence of the Senate.

And then he withdrew.

The said amendment was taken up, twice read and concurred in.

Ordered, That Mr. Pope inform the House of Representatives thereof.

Mr. McConnell from the committee to whom was referred, the report of the committee appointed to examine the Transylvania University and its concerns, reported the same without amendment.

The said report is as follows, to wit:

The committee appointed on the part of the Senate, to examine the Transylvania University and its concerns, repaired to Lexington during the late recess, in discharge of that duty, and now submit the following report:

The committee deem it unnecessary to say any thing of the buildings, the libraries, the chemical and other apparatus, belonging to the institution. The extent, convenience, costs, &c. of these, have heretofore been laid before the legislature, in the several reports made by the trustees. The committee will however, indulge in the remark, that the new Medical Hall, erected by contributions on the part of the citizens of Lexington and its vicinity, is handsome, spacious, and it is believed admirably calculated for the convenience, both of the professors and students, in the dispensation of the learning and knowledge necessary to a thorough understanding of the science taught in that department.

The committee regret to find the academical department languishing in a very great degree. To ascertain the causes which have produced this effect, and to understand the resources and pecuniary concerns of the institution, occupied mainly the time and attention of your committee. Various causes were assigned by different persons, for the great decrease in the number of students, and the present depressed condition of that department. It will not be necessary to recur to any causes which were imagined, but not susceptible of investigation by the committee. From a member of the House of Representatives, we learned that Gen. John M. McCalla, of Lexington, had assigned as the cause, the mismanagement and impropriety of conduct on the part of the trustees of the University, and that he knew the names of individuals in Lexington, by whom it could be proven. We immediately commenced a correspondence with Gen. McCalla, upon the subject, and also propounded to the trustees, various interrogatories, and furnished them with a copy of the letter of
Gen. M'Calla: To which they returned their written response, with sundry documents, a copy of all which correspondence and documents, are herewith submitted for the inspection of the Senate, as well as Gen. M'Calla's replication to the response, and certain documents accompanying the same, and the documents marked 4 and 5 are made a part of this report.

It will appear by the Will of Col. Morrison, a copy of which is also herewith submitted, that the sum of $20,000, was devised to the trustees of Transylvania, and after many other munificent bequests, this institution is made the residuary legatee. No time is limited by the will, for the payment of any of these legacies, but the testator has, by his will, required them "to be paid as soon after his death as they can be raised, without sacrifices of his estate, these sacrifices he wished to be avoided."

It appears by the documents herewith presented, that certain suits against the executor are pending or threatened, for very large sums of money; and if the plaintiff's in those suits shall be successful, it will greatly diminish the amount anticipated in favor of the institution, as well, no doubt, as the amounts devised to individuals. Of this however, the executor seems not greatly apprehensive. By the will, it appears, that security was not required of Mr. Clay, and he alone qualified as executor. It has been deemed necessary to premise thus much, in regard to the will, that the facts as they appeared, in relation to the charge against the trustees, of an improper disposition of the bequest of $20,000, may be well understood and applied by the Senate.

There was no other evidence adduced to the committee, respecting this subject, than the documentary evidence herewith presented, (amongst which, are certain anonymous paragraphs in the Kentucky Gazette,) and the statements of Gen. Bodley, who is one of the trustees. He states most explicitly, that there was no agreement between the trustees and the executor, at any time after he had collected any portion of the $20,000 legacy, that he should retain it in his hands, and pay the interest thereon. But that shortly after Mr. Clay qualified as executor, and before he had sold the property or collected the debts of the estate to any considerable amount, it was agreed between him and the trustees, that he should not be pressed to pay this legacy in haste; because as was believed, this course would compel the executor to make immediate sales of the property of the estate, which would result in a sacrifice of the same, and in proportion to such sacrifice, cause a diminution of the residuary legacy, and also be a violation of the intention of the testator, as expressed in his will. But he was to progress with reasonable diligence, and when he collected the amount of that legacy, then he was to pay the same over to the trustees. That in the mean time, Mr. Clay was to pay the interest on the whole amount of the legacy, which was
all that the trustees had the power, under the will, to expend, and that he has hitherto regularly paid that interest. Gen. Bodley further stated, that no arrangement or understanding since the one here spoken of, had been had with Mr. Clay and the trustees, in relation to that legacy; but that they have since called upon him to lay before them, the situation of the estate, of the late Col. Morrison, which he did; and a copy of which forms part of document, number 4.

It appears that Mr. Clay has, each year, settled with the commissioners appointed on the part of the county court of Fayette, all his actions and doings, in regard to said estate, and a copy of the last settlement also accompanies the response of the trustees. By that settlement, it appears that Mr. Clay is personally debited with the interest on $15,000, part of the $20,000, collected by him. But Gen. Bodley proves, that this is a matter between Mr. Clay and the county court of Fayette, and does not grow out of any agreement between him and the trustees. It was stated by Gen. M'Calla, that a large portion of the property of Mr. Clay was covered by mortgage. But the amount of debt due by him, to whom due, whether any, and what portion had been paid, the extent of the mortgages, how far (if at all) they had been discharged, &c. were facts which the committee had not the means of ascertaining, nor did they believe it to be their duty, under all circumstances, to have done so, even if the means had been afforded them. The trustees as they state in their response, have entire confidence both in the solvency and integrity of Mr. Clay, and for aught that could be perceived by the committee, there seemed to be no good reasons for even suspecting that their confidence was ill placed. Waiving the questions, whether the trustees could compel the executor to pay over each dollar of that legacy, or any other portion less than the whole of it, as fast as it came to his hands, and whether he could be compelled even if the whole were collected to pay it over, while large outstanding claims existed against the estate, unless the trustees would give security in their individual character, for a return of the whole or their due proportion thereof, as circumstances might require; and also, whether the trustees have a right to demand of Mr. Clay, security for any particular portion of the money as soon as it is collected by him, when the testator by his will, expressly directed that no security should be required. We are clearly of opinion, that no censure is deserving, either as to the course of the trustees or that of the executor, in relation to this legacy of $20,000. Every thing seems to have been done in good faith—no loss has been sustained, nor is it probable so far as the committee are enabled to judge, that any will be sustained by the institution.

In relation to the other charge contained in the letter of Gen-
eral M'Calla, that the trustees were influenced in their elections by political partialities, the committee will state, that it appeared that most of the vacancies in the board of trustees, had been filled by men entertaining the same political opinions, with the majority of the board, who elected them. It also appeared, that there had been some elected of opposite political sentiments; That the election of treasurer and of clerk to the trustees, had occurred twice since the formation of the present board, and that in each of these instances, a gentleman opposed in politics to a majority of the board, had been chosen, and further, that these are salaried officers, when the trustees themselves receive nothing.

It further appeared, that in the election of professor of law in the University, at several different times, three had been chosen, who differed, and two who agreed with them in politics, and at other times, two who were not citizens of this state, and of course who were not supposed to have taken sides upon the political questions alluded to, were also chosen. It further appeared that the capacity or qualifications of the trustees so elected, were not called in question, even by those who were opposed to them in political sentiments. The committee would, it is believed, exceed the bounds of their duty and their privileges, to attribute to improper motives in the trustees, that which, so far as the committee can know, was the result of full deliberation and of a consciousness of rectitude in the discharge of their official duty.

But while the committee record to the trustees, an exemption from censure, yet, because it is desired on their part, as the committee are informed by General Bodley, who is one of them; and because frequent elections are congenial with the spirit of our republican institutions, and because it is believed by some of those who profess to be friends of the institution, but who entertain prejudices against the present board of trustees, that it would renovate the institution; the committee would recommend a re-election of the board of trustees; and to that end, submit for adoption the following resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will proceed, on the day of this instant, to elect a board of trustees for Transylvania University.

It appears by the report of the trustees, that the average number of students in the academical department, for the four years last past, is about one hundred; the price of tuition will average about $40 each; calculating no losses, the whole tuition fees would average annually, $4,000; This sum is found to be wholly inadequate to the support of that department. A president and five professors or teachers seem to be necessary to fill this department of the University—these gentlemen must each be of high literary attainments, of good moral character and of diligent and industrious habits. The services of competent professors of this
character, cannot be obtained for an inconsiderable salary. Indeed, the trustees seem not to have been able to command the services of one, as president, who is highly esteemed as an accomplished scholar and an exemplary divine, although he was offered by them, an annual salary of two thousand dollars, and a considerable sum to aid him in his removal to Lexington, and a house for the residence of his family. Independent of the salaries of professors, there are other incidental expenses—for example, the salaries of the clerk and treasurer, &c. which must necessarily be borne. And the institution derives no income worthy of notice, from any source except the tuition fees—it is therefore plain, that the ordinary income of the institution is not adequate to its support.

The Transylvania University is, and must, so long as it is sustained and encouraged, continue to be the great seat of learning for the western country.

By a prudent enactment of the legislature, it is believed that it will not only be sustained without any material detriment to the State, but also be rendered the object of interest and of affection to almost every portion of the good people of this Commonwealth; To that end the committee herewith report a bill, the passage of which they recommend.

[ 4 ]

To the Senate and House of Representatives for the State of Kentucky in Legislative Assembly convened.

The trustees of Transylvania University respectfully ask leave to lay before your honorable body, their answers to the several interrogatories submitted to them by the board of visitors, appointed by the legislature on the 22d instant, December, "to examine into, and report, the present condition of Transylvania University," accompanied by such further remarks, and explanations relevant to the subject under consideration, as its importance, and a faithful discharge of the duty imposed on us, imperiously demand—and further, to assure the Legislative Assembly, into whose hands the future destinies of the great literary institution of the west is placed, that it affords the board a signal gratification to have their whole administration of the affairs of the institution critically and rigorously scrutinized, relying most confidently on your justice and liberality.

It is a proceeding we humbly conceive indispensably necessary, at the present moment, to resist, and defeat the machinations of the enemies of the institution, whether clerical or political—That there is an attempt by a few of the most unprincipled of our immediate fellow-citizens, at a union of the two interests into one means, to be used to promote the design of either, is, we fear, too apparent from their movements, to be questioned; and we trust, two mischievous and absurd in their conception and execution, to succeed.
To the many slanders and base insinuations, made against the trustees of Transylvania, if it involved nothing more than considerations personal to ourselves, we would be willing to oppose our general reputation, to that of our assailants, and abide the issue; flattered with a belief that we should lose nothing in the contest, and confident our standing would not be impaired by the contrast: But it involves the interest of an institution, the object of our most anxious solicitude and care—Should any remark made, be considered irrelevant, or otherwise improper, we rely upon the liberality of your honorable body in placing the error to the proper account, that of our over zeal for the faithful discharge of the trust you repose in us.

In responding to the enquiries of the committee, they will be taken in that order in which they can be the most readily comprehended.

Interrogatory 1st—How many Professorships and separate departments belong to the University?

There are three departments, to wit: Academical, to which is attached a preparatory school, Medical, and Law; the number of Professors have varied in different years, as will be seen from the answer to the enquiry next in order.

Interrogatory 2d—By whom was each department filled in the years 1825-26 and 27; and what has been their respective salaries?

In January 1825, the different departments were filled as follows:

**Academical Department.**

Horace Holley, L. L. D. President, and Professor of the Philosophy of mind, with a salary of three thousand dollars per annum in Commonwealth paper, and a dwelling.

John Roche, A. M. Professor of the Greek and Latin languages, salary $800 specie per annum.

Thomas J. Mathews, A. M. Morrison Professor of Mathematics and natural Philosophy, salary $1,200 specie per annum, paid by Colonel Morrison’s executor, out of the avails of the estate as directed by Will.

George T. Chapman, D. D. Professor of History, Geography, Chronology and Antiquities; salary $600 per annum in Commonwealth paper.

Constantine Samuel Rafinesque, P. D. Professor of Natural History, Botany, Teacher of Modern languages, Librarian, Keeper of the Cabinet of Minerals, &c. &c. &c. and Secretary of the Academical Faculty; salary $200 in specie per annum.

John Brown, A. M. Principal of the Preparatory School, who receives for his services and contingent expenses, all the tuition fees.
Medical Department.

Benjamin W. Dudley, M. D. Professor of Anatomy and Surgery, and Dean of the Medical Faculty.

Chas. Caldwell, M. D. Professor of the Institutes of Medicine, and Chemical Practice.

Samuel Brown, M. D. Professor of the Theory and Practice of Medicine.

Daniel Drake, M. D. Professor of Materia Medica, and Medical Botany.

William H. Richardson, M. D. Professor of Obstetrics, and the diseases of Women and Children.


The pay to each of the Professors in the Medical Department, was twenty dollars in Commonwealth's notes from each student, and five dollars in addition, in like medium, to cover incidental expenses peculiar to the Anatomical chair.

Law Department.

Jesse Bledsoe, L. L. D. Professor of Common and Statute Law.

Horace Holley, L. L. D. discharged the duties of Professor of Civil and National Law, and Political Economy.

The price of tuition in this department was fifty dollars in Commonwealth notes the session, which was divided between the Professors by their own agreement, whether equal or not, we are unable to say.

In January 1826, the following changes had been made from the year previous.

Academical Department.

President Holley's salary reduced one thousand dollars and made payable in specie, it took effect in September or October.

C. S. Rafinesque, P. D. retired.

G. T. Chapman, D. D. salary raised from $600 Commonwealth notes to same sum in specie, in the month of October.

In the Medical Department.

Samuel Brown M. D. resigned.

Daniel Drake, M. D. elected Professor of Theory and Practice of Medicine in place of Dr. Brown resigned.

Chas. W. Short, M. D. elected Professor of Materia Medica, and Medical Botany.

Robert Best, A. M. retired from the office of assistant to the Professor of Chemistry.

The price of tuition was reduced this year five dollars on each ticket, and made payable in specie.

Law Department.

Was abandoned from necessity, the trustees, after the most diligent search, and unwearied exertions, were unable to fill the Professorships in a suitable manner.
In January 1827, there had been no changes in the organization of the institution from the previous year. It will be proper to remark, that in the replies to the second and third interrogatories, reference is had to the months of January in each year, at which period catalogues are made out, exhibiting the condition of the University, as regards the disposition of Professorships, and number of students.

Interrogatory 3rd—How many students belonged to each of the departments during each of the years aforesaid?

In January 1825, there were in the Academical department 134

Medical department 234

Law department 30

Total 398

In Jan. 1826, there were in the Academical department 137

Medical department 282

Total 419

In Jan. 1827, there were in the Academical department 96

Medical department 190

Total 286

In Dec. 1827, in the Academical department 27

Medical department 157

Total 184

The great falling off in number of students since January 1826 will be observed, and may in a great degree, be attributed to the resignation of President Holley, which took place at the close of the session in that year, and the information extensively circulated—and although he returned to the duties of President at the opening of the session in October 1826, its effects upon the University, though partially resisted, were not overcome—This fact is made more manifest by comparing the present condition of the institution with what it was the past winter, when the office of President became finally vacant and so remains.

Interrogatory 4th—What is the price of tuition in each department for each student?

In the Academical Department,

For Seniors, forty-five dollars specie per annum.

Juniors, forty.

Sophomores and Freshmen, thirty-five.

Medical Department,

Ninety-five dollars in specie for a full course, and in proper proportion for less.

Library Ticket and Matriculation fees, five dollars.
The last item is appropriated to the use of the Library, and contingent expenses.

Graduation fees with Diploma, twenty dollars specie.

By a regulation of the Medical faculty, those students who pay for two courses of lectures are entitled thereafter to the Professors' tickets gratis.

Interrogatory 5th—Have the professors any other compensation or stipend, than their standing annual salary, if so, from what source is it drawn, and what is the amount?

The salary officers have none that we know of—certainly none from the funds of the institution: If it was intended to extend the enquiry so as to include the Medical Faculty within its scope, we are unable to answer the question further than by saying, that for the duties assigned them by the trustees, they receive no compensation other than has been enumerated. We have always considered the time of the Professors, which was not necessary to the discharge of their official engagements, exclusively subject to their own control—Any extension of the exercise of our powers beyond that point, would, we apprehend, vacate nearly every Professorship.

Interrogatory 6th—What has been the annual receipts from the bonus payable by the several banks?

The Farmers and Mechanics Bank of Lexington was the only Bank from which we were entitled to a bonus—There was received from that institution in the aggregate, $3,299.

Interrogatory 7th—What sum has been received in each year from tax on sales at auction since the passage of the law taxing those sales in Lexington?

There was received up to January 1824, in Commonwealth dollars

<table>
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<tr>
<th>Year</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1824</td>
<td>1,083 84</td>
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<tr>
<td>1825</td>
<td>765 84</td>
</tr>
<tr>
<td>Total</td>
<td>1,849 68</td>
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Interrogatory 8th—What was the whole amount of the stock originally held by the University in the Bank of Kentucky, and from whence was it derived, and what amount remains unsold?

Two hundred and thirty-four shares was the whole amount of the stock originally held in the Bank of Kentucky.

It was purchased with the proceeds of sales of land granted by the State of Virginia, to Transylvania Seminary.

The whole of the stock has been sold, the last was disposed of in March last.

Interrogatory 9th—For what amount was the Bank of Kentucky stock sold?

For sixteen thousand nine hundred and eighteen dollars, a part in specie and a part in Commonwealth notes; as follows, to wit:
THE SENATE.

Feb. 9.]

Ninety-one shares at $83 Commonwealth per share $7,408 00
Fifty shares at $50 in specie per share 2,500
A distribution of $10 per share having been received in Commonwealth 500 — 3,000 00
Ninety-three shares at $30 specie per share 2,790
A distribution of $40 per share having been received in Commonwealth 3,720 — 6,510 00

$16,918 00

Interrogatory 10th—What amount is yet due from the individual to whom the same was sold—Is it receivable by installments, if so, when are they payable, and what are the amounts?

There is nothing due the institution on that account, the only credit sale ever made was fifty shares to John Smith of Franklin county, and his note with mortgage transferred to the Bank of the United States in final payment of a debt due from the University to that corporation, which arrangement was made the past spring.

Interrogatory 11th—What has been the amount received annually from fines and forfeitures?

In the years 1821-22, we are unable to separate them so as to give the amount received in each year, it was however, in the aggregate, $654 00

In the year 1823 there was received

1824 316 76
1825 547 70
1826 46 00
1827 nothing yet rec'd about $100 expected 95 00

$1,659 46

Interrogatory 12th—What has been the whole amount received from the State since the institution went into operation?

The whole amount received by the institution from the State, by reason of Legislative enactments, is thirty-one thousand nine hundred and thirty-five dollars, ninety five cents, all in Commonwealth paper except thirty-two hundred and ninety-nine dollars.

The items of receipts are as follows, to wit:

Profits of the Lexington Branch Bank as per act of Legislature $20,000 00
Appropriation for Medical Library 5,000 00
Fines and forfeitures 1,659 46
Auction duties, applicable alone to purchase a Law Library 1,977 49
Bonus of the Farmers and Mechanics Bank of Lexington 3,299 00

Total $31,935 95
Near seven thousand dollars of the above, besides other investments for a greater amount, are now on the shelves of the different Libraries belonging to the institution, and in Philosophical and Chemical apparatus.

Interrogatory 13th—What was the value of property and money belonging to the Kentucky Academy at the time the union was formed between the Transylvania Seminary and it, and of what did that property consist?

The property that was derived from the Kentucky Academy by the act of union, was six thousand acres of land south of Green river, no part of which has been disposed of, and has cost the University above one thousand dollars for Patenting, Procuring, Law suits, paying agents, &c.—and from a report made by the Treasurer of our board, who was employed to visit the land, and report its situation, we discover that a great portion of it is in the hands of persons who hold adversely to the University.

There was also derived from the Kentucky Academy, by the act of union, notes of hand against sundry individuals, amounting to three hundred and sixty-four pounds one shilling and six pence as appears by a report made by Robert Parker, Treasurer Kentucky Academy, dated January 1799, which report is as follows:

"Pursuant to a resolution of a committee of Transylvania University, I have made out a statement of the funds in my hands belonging to the Kentucky Academy, consisting of obligations for cash on the following persons, to wit:

Andrew M'Calla, & Co. £201 6 8
Hugh M'Ilvaine 50 0 0
Same 28 6 10
James M'Keehan and John Gardner 50 0 0
Rev. James Moore 30 0 0
Same to William Calhoon 4 3 2

£364 1 6

The above, together with a bond on Boggs and Anderson, for £69 11s 4½d, a small part of which I received and gave my receipt to them, and delivered up the bond at the request of Caleb Wallace and Robert Patterson, Esq. to the Rev. Andrew Steele. Together with some small payments made to me by sundry persons, of money collected by them, which I paid out again by the order of the board of trustees of the Kentucky Academy; of which I can render a full account, come to a final settlement, take up my bond given to said trustees, at any time it may be thought proper.

I believe the above to be a true statement of those matters.

Signed, ROBERT PARKER,
Treasurer Ky. Acad.

To the Hon. Trustees of Tran. University."
Thus it appears that the whole amount of the resources of the Kentucky Academy, at the time of its union with Transylvania, was six thousand acres of land, south of Green river, and three hundred and sixty-four pounds, one shilling and sixpence, in obligations on sundry persons.

From the land, it is extremely doubtful whether enough will ever be realized to reimburse the amount expended on it.

Interrogatory 14th—Are the debts due the institution, and especially the bequests made by the late Col. Morrison, well secured, have any settlements been made with the executor, &c.?

There are no debts of any magnitude due the institution which will ever be recovered, the whole amount of all descriptions is not great.

No part of the bequests of Col. Morrison have come into the hands of the trustees, save the interest on the legacy of twenty thousand dollars, which is regularly paid by the executor, and appropriated to the Morrison Professorship.

The will of the testator directs that no security should be required from the executor acting, we consequently have none, except what can be found in his integrity and responsibility; in both of which, the board will take this occasion to remark, they have the most implicit and entire confidence.

Settlements of the estate of Col. Morrison, have been made by the executor every year, and made of record in the office of the clerk of Fayette county court; a copy of the last settlement we annex, marked A.

There was also an exhibit of the situation of the estate, with a conjectural statement of the probable result, made by the executor to a committee from the board of trustees in the year 1816, a copy of their report is also annexed, marked B, which we trust will prove satisfactory.

Interrogatory 15th—Who are the trustees now in office, and how many vacancies are there?


There are two vacancies occasioned by the resignation of Edmond Bullock and James Harper.

The communication from Gen. John M. M'Calla, with the newspapers referred to, handed by the honorable the committee from the legislature, have received that attention which was due to the respectable body from whom we received them, and which neither the papers or anonymous writers themselves, ever could have obtained without such aid.

Insinuations affecting the reputation of individuals, moulded
into the shape of an inquiry, and published to the world through the columns of a newspaper, under a fictitious name, is a dastardly species of assassination, not to be endured by society, and assuredly will not be encouraged, or so far countenanced by us as to receive an answer through the same vehicle.

The record book of the proceedings of the trustees of Transylvania, is open for the inspection of any respectable citizen who desires an insight into the affairs of the institution. The trustees are ready at all times, to communicate either orally or in writing, all the information they possess as to the management or condition of an institution, the property of the State, and in the prosperity of which, all are so deeply interested. But they never can so far forget what they owe to themselves, as to submit to the exercise of a secret inquisitorial power, directed against the fair fame of men, not the beings of yesterday, but of long, and we humbly hope, approved standing.

It will be observed by the members of the visiting committee from your honorable body, that all the facts set forth (if they merit such appellation,) in the communication from the General himself, under his own proper signature, as also the anonymous paragraphs in the Kentucky Gazette, had been anticipated by them, and the enquiries responded to, except in two particulars, viz: a general charge of mismanagement of the funds of the institution, and the politics of the individual members of the board, and their practices in relation thereto. On the latter point, the board will remark, that they are at a loss to discover what connexion the office of trustee can have with party politics; or how the power entrusted in their hands, can be wielded so as to affect the strength of the one, or the other party. They however, can readily conceive, that an individual, a party zealot, may seize upon the affairs of an unoffending public institution, and attempt to ride into office over its ruins; and base as the act may seem to be, it is not among the most improbable events.

In regard to the former particular, a general charge of mismanagement of the funds of the institution, it will naturally suggest itself, that an assertion so comprehensive in its bearing, as that is, avoiding the responsibility of all and every thing like a specification, can only be met by facts having a bearing generally on the spirit of the charge. To refute so vague a declaration we conceive it only necessary to call your attention to a few circumstances, and the facts connected with them.

The first is the appropriation of six thousand dollars to the institution by the trustees of the town of Lexington.

The next is that the late Colonel James Morrison, while a trustee of Transylvania, and acting as chairman of the board, at a period of the greatest embarrassment to the institution, did, with a full knowledge of the fact, and the causes that led thereto, he
queath to the University, and consequently confided to the board, legacies amounting in the aggregate to not less than fifty thousand dollars, and may reach seventy.

The last though not least, is the subscription of upwards of eleven thousand dollars in specie, got up the past summer for the support of the institution, by individuals surrounding the very building, men who are remarkable for prudence, and discretion in the management of their own concerns, and it may be added, as well acquainted with the affairs of the University, as any of the citizens of Lexington, not members of the board.

Armed with these facts, we confidently appeal to the intelligence and justice of your honorable body, and ask, whether it is reasonable to suppose, that such extensive means, derived from such a variety of sources, would be entrusted to hands, either incompetent to their prudent management, or otherwise unsafe in their possession? The idea is preposterous; it is only matter of astonishment that an individual can be found, who with the facts staring him full in the face, has the temerity to hazard an opinion, so untenable and groundless, and so readily refuted.

Having closed our response to the questions that were propounded, we respectfully ask the attention of the honorable legislature, while they accompany us through a concise review of the origin, progress and present condition of Transylvania, briefly pointing out the causes that led to the pecuniary embarrassment that has occurred.

It is within the knowledge of your honorable body, that the origin and foundation of the institution, was in the acts of the Virginia legislature, endowing Transylvania Seminary with twenty thousand acres of land, out of escheats that might take place in the district of Kentucky, and one sixth of all the surveyors fees. Of this liberal endowment, growing in value, in proportion as the wants of the institution would be increased by an increase of population, but two fifths of the land was ever realized, and we believe very little, if any, of the fees for surveying. The deficiency in the donation of land did not arise from a deficiency in the quantum of that description of property, but by reason of its being determined at an early day, that our right to all that part of the munificent donation of our parent State, not reduced to occupation at the time of the erection of this territory into a State, was void. That inasmuch, as there was no express stipulation in the compact which separated us from our parent, there was no legal or moral obligation, upon the government of Kentucky to fulfill the strict letter, all the engagements and undertakings made before the separation. Consequently Transylvania Seminary, by the act erecting this territory into a distinct government, became divested of the es
state she held in remainder, by virtue of the grant made by Virginia, at the time she held sovereignty over the soil. How legal or just the exercise of such power was, is not our province to determine. It is sufficient for our purpose to assign the fact, as a reason why Transylvania continued so long to languish.

Passing over all that space of time, in which nothing remarkable transpired in relation to the subject under consideration, we arrive at the period when the attempt was made, to rear up a great literary institution, under the auspices and patronage of the government of the State, a moment was seized upon, which from a combination of circumstances was rendered peculiarly propitious for the undertaking; it was about the year 1817, when we had just emerged from a severe and arduous struggle against the colossal power of Great Britain, when Kentucky ranked high, from her recent achievement in arms, when the gallant exploits of her citizens had been so recently proclaimed to an astonished multitude, from Louisiana to Maine, animating them with a noble and enthusiastic pride, and stimulating them to deeds of still greater glory. It was then that a spirit of emulation evinced itself among the citizens of Kentucky, to vie as successfully with her sister States, in facilitating the march of mind, as she had done in the tented field, where none outstripped her. All eyes were turned as if by previous concert, to Transylvania University, as the nursery from which might ultimately be drawn, the instructors of youth necessary for an extended and liberal system of education; with the ample means and power which the government possessed, competent to be directed to that end, the success of the enterprise could not be doubted.

The pecuniary resources of Transylvania were examined, and though great, were inadequate to the undertaking; a knowledge of the fact, provided a remedy for the difficulty. The legislative assembly, with a promptitude and liberality, worthy the high character it sustained, (giving an earnest thereby of her future design,) appropriated to the use of Transylvania the annual tax of a half of one cent per annum on the capital stock of the Farmers and Mechanics Bank of Lexington, which capital had accumulated so fast, that in one year thereafter, it yielded an income of two thousand five hundred dollars per annum, and from the prosperous and growing condition of that institution, it promised to yield the utmost limit of revenue, which its benevolent and patriotic donors had anticipated, viz: five thousand dollars per annum. That fund, together with the commodious buildings adapted to the purposes, and an annuity from stock in the bank of Kentucky, of twenty-five hundred dollars per annum, making an aggregate of more than seven thousand dollars a year income, to be derived in prospective, constituted the means for operation. With those, the foundation of a great and for a few
years, flourishing University was laid, expenses were incurred by the increase of her libraries, by the necessary extension of her buildings adapted to her wants, by calling from abroad, men of great literary and scientific attainments to fill the different professorships. The funds then subject to the control of the trustees, and the patronage received, warranted the preparation, the honor and dignity of the state was promoted thereby, and demanded it. But such is the mutability of human affairs, that the prosperity of the institution continued but for a short space, the chill blasts of poverty overtook her. From circumstances not, within the control of the trustees, the institution was suddenly deprived of its revenues, while the expenses continued. The charter of the Farmers and Mechanics Bank of Lexington, was repealed, the bonus fell with the charter; from unpropitious events, the Bank of Kentucky ceased to declare her dividend. It was those disasters, that Transylvania is indebted for all her embarrassments. The trustees used every exertion to meet the shock, and sustain the institution; individual charity was invoked, and to a considerable extent obtained. The legislature was applied to for aid, and it was given, but not in amount sufficient to cover the loss sustained by the withdrawal of her yearly stipend, and the great reduction in value of her bank stock. The money invested in the Kentucky Bank stock as a permanent fund was the last resort, to extinguish the debts accumulating against the University, by reason of the losses they had sustained in their productive capital; it was appropriated, and the institution freed from debt, except the remains of salary due the professors and other officers, for past years services, in part.

For any information further than we have herein communicated, we beg leave to refer you to former reports, but especially those made in the month of November in each of the years 1824 and 1825; we also accompany this with a report from our treasurer, giving the receipts of the treasurer and disbursements from September, 1825, to September 30th, 1827. All which is respectfully submitted.

ELISHA I. WINTER, Committee.
E. WARFIELD,
BENJ. GRATZ,
JOHN BRADFORD, Chairman.

*Resolved, That the foregoing report be adopted by the board and signed by the chairman, and that it, together with the documents referred to, be transmitted to the chairman of the committee of visitors from the Senate, and a copy forwarded to the chairman of the committee from the House of Representatives, regularly attested.

JOHN BRADFORD, Chairman.

Attest—JAMES A. BROOKS, Clerk.
Lexington, Jan. 2, 1828.
[B]

On exhibit shewing the situation of the estate of Col. James Morrison deceased, in the summer of 1826, in the form of a report to the trustees of Transylvania University, by a committee appointed by that body, for the express purpose of ascertaining the true and actual condition of that fund, and the probable resources to be derived to the institution therefrom.

Mr. John W. Hunt, from the committee appointed to confer with Col. James Morrison's executor, made the following report:

The committee appointed for the purpose of having an interview with the executor of the estate of the late Col. James Morrison, reports: That the executor met them, and furnished a full and clear exhibit of the affairs of the estate, evincing every disposition to meet the wishes of the board, and enable your committee to understand the situation of the estate, and the prospects as respects the University, furnishing a schedule of the lands yet owned by the estate, as well a conjectural estimate of the result of the estate, both of which papers we herewith submit. From all the information, we are of opinion, that we are not to expect any cash payments at present; and have been informed by the executor, that if in the power of the trustees to use, for the purpose of carrying into effect the objects of the will, any part of the unappropriated real estate, not necessary to the complete execution of the will, that he will convey it.

We, your committee, therefore, beg leave to recommend the appointment of a committee for the purpose of selecting and purchasing a site, such as may be best adapted to the purpose of erecting the contemplated building, in conformity to the munificent donation, and report to the board for its approbation.

JOHN W. HUNT, Chas.

August 6th, 1826.

Schedule of lands yet owned by the estate of James Morrison deceased.

<table>
<thead>
<tr>
<th>Acres</th>
<th>Value according to schedule</th>
<th>Real value</th>
</tr>
</thead>
<tbody>
<tr>
<td>300</td>
<td>A moiety of 600 patented to Rich. Gray as'see &amp;c. lies on the Ohio river, Union county, $10</td>
<td>3,000 a 1 1-2</td>
</tr>
<tr>
<td>850</td>
<td>A moiety of 1,700 on Pond river in Hopkins and Muhlenburg counties, $2</td>
<td>1,700 a 37 1-2</td>
</tr>
<tr>
<td>150</td>
<td>A moiety of 300 Muhlenburg cy. 2 300 a</td>
<td></td>
</tr>
<tr>
<td>150</td>
<td>do. 2 350 a</td>
<td>548 43</td>
</tr>
<tr>
<td>152 1-2</td>
<td>do. 2 563 a</td>
<td>548 43</td>
</tr>
<tr>
<td>100</td>
<td>200 S. of G. river the other moiety conveyed to O' Harra $2</td>
<td>200 a 1</td>
</tr>
<tr>
<td>100</td>
<td>do. 200</td>
<td>2 200 a</td>
</tr>
<tr>
<td>100</td>
<td>do 200</td>
<td>2 200 a</td>
</tr>
</tbody>
</table>
On about that quantity adjoining Russellville $25
3 Lots in J. Morrison's addition to the town of Russellville 150 a. 5 15
4,000 Hardin cy. (this tract cannot be found) 2,000 cannot be found
4,565 Lecompt's run being 2-3ds of 6047 ac's, the other third owned by Isham Talbott 1,800 a 121-2 570 62
800 Military land on the Ohio river Union county, $15 9,000 a 2 1,200
2,000 Pendleton cy. hilly and only valuable for the timber 50 1,000 10 200
10,000 acres Bath county 25 2,500 10cts 1,000
5 five acre lots adjoining Lexington (reserved for M. Pindle) 3,000 3,000
A large brick house and about 6 acres of ground now occupied by W. R. Morton 10,000 3,000
A three story brick house corner of short and upper street, occupied by Mrs. Morrison 15,000 6,000
A moiety of a lot opposite Asa Farrow's on high street 200 100
A moiety of a house and lot in Washington, Mason county 300 50
43 acres, the interest formerly L. Sanders' in the Patterson tract of land 75,000 25 1,075
1,680 89-100 situate in Illinois, Congress land 2,317 1 1,638
160 1 qr. section military land in Missouri, $1 160 100
40 1-4 do do a site for a town 2 160
13,750 3-4 of 21,000 on Pocatalico W
the other fourth given to the counsel in the case 10cts 1,375
23,416 Hardin county 10,003
640 45-100 in the forks of Missouri and Mississippi $2 1,360
1,020 83-100 on the Mississippi and Missouri
House and lot in Belleville, Illinois 2 300
204 acres near St. Louis, Missouri 2 400
72,385 00 24,297 05
A conjectural estimate of the residuary estate of the late Col. James Morrison, that may be comprehended in the devise for the University.
The good debts due to the estate on open accounts, may be considered as balanced by those due from it, and by expenses which may hereafter be incident to the administration.

The nominal amount of the bad debts due on open account is very large; but many of them are opposed by similar accounts on the part of the individuals against whom they are standing.

The amount of good debts due on bond and note, may be stated at

- On hand in specie: $16,000
- Do. Commonwealth notes reduced to specie: $3,000
- The amount of doubtful debt due on bond and notes is $18,000, of which suppose one half good
- Stock in Frankfort bridge and bank Kentucky: $2,700
- Five of the ten negroes bequeathed to Mrs. Morrison, at her death: $1,500

The above sum is subject to the following deductions, to-wit:

- The legacy to the University: $20,000
- A sum which Mrs. Morrison is authorized by the will to dispose of at her death: $15,000
- Legacy to J. M. Pindell, payable at his full age, on which, in the mean time interest is paid: $3,000
- Residuary legacy to the Scotts and Boyd: $9,000
- Do. to M. A. Dewes on a contingency which is not likely to happen: $2,000

This sum of $30,760 may be assumed as the probable pecuniary surplus applicable to the residuary bequest to the University, provided the estate should not be rendered liable in three controversies in which it now is or may be involved, to-wit:

1st. With Montgomery Bell, his suit has been decided in the Kentucky Federal Circuit Court against him, and is now depending in the Supreme Court of the United States. I think he will continue to lose it; his claim amounts to from $12,000 to 20,000. If he should succeed, others are bound with the estate, but that might have to pay the whole demand.

2nd. The estate is threatened with a suit by George Nicholas' heirs for a large sum, which they pretend to claim. It is confidently believed that not a cent is justly due them; but whatever is at law is at hazard.

3rdly. There is a bond for $7,000 which the United States
have against the estate, given by Astin Garrett and others as
his securities; Col. Morrison denied the authority of Mr. Scott
to execute it in his behalf. There is no suit now pending on it,
but one may be expected.
The executor would not be strictly justified even if the sum
of $30,760 were collected, to pay it over to the University, until
at least the first and third abovementioned controversies are set-
tled. But of that sum, were they settled, it would be necessary to
retain $18,333 33 1-3, which with the $15,000 that Mrs. Morrison
is allowed to bequest would form a capital of $33,333 1-3. This
capital is necessary to insure the punctual payment of the annuity
of $2,000, devised to Mrs. Morrison.
The result of the whole is that at present there cannot be paid
to the University, on account of the residuary bequest, any por-
tion of the pecuniary funds of the estate.

OF THE REAL ESTATE.

There is on hand 63,247 acres of land, and some houses and
lots, which at the price affixed to them by the schedule annexed
to the will amount to $72,385.

From that sum is to be taken, land legacies yet re-
mainning to be paid, which amount to $8,917.

Leaving a surplus of real estate according to the
schedule price. $63,463

But Mr. Robert Scott places a very different estimate on the
value of those lands. He fixes the total of the above sum at
only $24,297.

A large portion of the these lands could be applied imme-
diately to the object of the residuary devise to the University.
The executor thinks Mr. Scott's estimate is low, but prudence
recommends that it should not be too high. Assuming it to be
correct, there would belong to the residuary legacy in real
estate, $24,279.

The general result is, that there may and it is hoped ultimate-
ly, will accrue to the University in pecuniary fund, but cannot
now be made use of $30,760

In real estate, subject to the deduction referred to in
the note $24,297 $55,057

From this sum, is to be deducted the actual value, instead of
the schedule estimate of the preceding sum of $8,917, to be con-
veyed in payment of land legacies.

Which report was ordered to be received.
### General statement of the Funds of Transylvania University. DEBTOR.

#### 1826

To receipts for the year ending this day, viz:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>From College property</td>
<td>4,216 47</td>
</tr>
<tr>
<td>Preparatory Department</td>
<td>1,067 85</td>
</tr>
<tr>
<td>Students for fines</td>
<td>191 77</td>
</tr>
<tr>
<td>For rents</td>
<td>116 84</td>
</tr>
<tr>
<td>From Morrison Professorship, in specie</td>
<td>1,203 16</td>
</tr>
<tr>
<td>Bank stock</td>
<td>930 00</td>
</tr>
<tr>
<td>Samuel Gwathmey in part of debt due by Skidmore</td>
<td>275 00</td>
</tr>
<tr>
<td>John Smith for interest in specie</td>
<td>133 33</td>
</tr>
<tr>
<td>For fines and forfeitures</td>
<td>95 00</td>
</tr>
</tbody>
</table>

Cash on hand, currency: 718 95
Specie: 249 43

To balance over paid by Treasurer: 768 88

#### 1827

To receipts for the year ending this day, viz:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>From College property</td>
<td>1,251 12</td>
</tr>
<tr>
<td>Morrison's Ex't. pr. report</td>
<td>657 49</td>
</tr>
<tr>
<td>For fines from Students</td>
<td>1,200 00</td>
</tr>
<tr>
<td>Balance of Clarke's debt</td>
<td>99 99</td>
</tr>
<tr>
<td>From James Hamilton (currency.)</td>
<td>84 83</td>
</tr>
<tr>
<td>John Smith</td>
<td>189 00</td>
</tr>
<tr>
<td>Sam'l. Gwathmey part of debt due by Skidmore's estate</td>
<td>550 00</td>
</tr>
<tr>
<td>B. Gratz, in part 93 shares bank stock sold</td>
<td>1,390 00</td>
</tr>
<tr>
<td>D. A. Sayre</td>
<td>6,037 83</td>
</tr>
</tbody>
</table>

Total: $15,354 71

To Balance pr. Contra. viz:
Specie: 42 42
Currency: 48 38

Total: $99 80
### Credit

#### 1826

By disbursements for the year ending this day, viz:

- For salaries pr. monthly report: $5,259.88
- Morrison Professorship, specie: $1,183.39
- Mr. Brown's proceeds of the preparatory dept.: $1,069.85
- Sundries, currency: $422.87
  - do specie: $171.53
- Interest on note in bank, specie: $285.26
- Part of note in bank, $693, Premium of 33 1/3 per cent: $924.00

#### 1827

By disbursements for the year ending this day, viz:

- To the Treasurer, overpaid by him last year: $317.08
- For salaries, per monthly reports: $4,387.44
- Sundries per ditto: $484.62
- Interest and premiums per ditto: $200.43
- To principal of preparatory department: $657.49

Balance in the Treasury, per monthly report:

- Specie: $42.42
- Commonwealth: $42.38

Total:

$15,354.71

### By sundry payments since Sept. 1, 1827

- January 3d, 1828:
  - John H. Morton, Tr. T. U.

Note: A balance of about seventy dollars is due J. C. Barnett, American Consul at Paris, on account of Philosophical apparatus, purchased for the University by that gentleman.

The University owes as follows, viz:

- To Professor Roche, qr's. salary due July 1, 1827: $200.00
- Mr. Peers, balance of salary: $300.00
- Professor Roche, qr's. salary due October 1, 1827: $200.00
- Treasurer due same time: $30.00

Total: $1,030.00
Ordered, That the said report be laid on the table.

Mr. M'Connell, from the same committee to whom was referred, a bill further to regulate the Transylvania, reported the same without amendment.

Ordered, That the said bill be laid on the table.

Mr. Dudley, from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to allow additional constables in certain counties," reported the same with an amendment.

Which being twice read, was concurred in.

Ordered, That the said bill be read a third time.

And thereupon the rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with;

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Dudley inform the House of Representatives thereof, and request their concurrence in the said amendment.

Mr. Garrard, from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to amend an act authorizing the county courts to appoint inspectors of saltpeter," reported the same with an amendment.

Which being twice read, was concurred in.

Ordered, That the said bill be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of said bill having been dispensed with;

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Garrard inform the House of Representatives thereof, and request their concurrence in the said amendment.

Mr. A. S. Hughes presented his protest against the passage of a bill entitled, "an act to fix the ratio and apportion the representation for the ensuing four years."

Which was read and laid on the table.

Mr. Hickman, from the joint committee appointed to examine the Bank of Kentucky, made the following report, viz:

The joint committee appointed by the Senate and House of Representatives to examine the Bank of Kentucky, have performed the duty, and report the accompanying documents marked A, B and C, as containing all the information relative to said bank which they have been able to obtain. On the real estate there will be great loss, but your committee have been unable to ascertain the amount, or any criterion by which to estimate the same. On the amount reported due from individuals, there will also be a serious loss. Your committee are of opinion that in the course of the present year, all the debts due from the bank may
be discharged, and then it will be a question of both policy and justice, whether the residue of the concerns of the institution shall be closed by continuing the President and Directors, at the joint expense of the State and Stockholders, or come to a division of the real estate and debts recoverable, and throw the part which shall come to the State into the Commonwealth's Bank, and permit the stockholders to divide or elect officers of their own to manage their concerns.

Your committee counted the money on hand, and found the same all safe and correct. They were informed that the vault had been opened by a false key more than once, and a loss occurred; but your committee are of opinion, from the information they had, not exceeding fifty or sixty dollars was lost.

All which is respectfully submitted.

JOHN L. HICKMAN,
Chairman Com. of the Senate.
WM. P. FLEMING.
WM. CUNNINGHAM.
JAMES GUTHRIE, Chairman

JAMES McMILLAN.
W. DAVENPORT.
HENRY MOORE.
THOMAS WEST.

Situation of the Bank of Kentucky, December 31, 1827.

Dr.

Due to other Banks, .......................... $9,784 61
Notes issued, ....................... 58,645 14
Surplus profits, .......................... 240,769 26
Current profits, .......................... 27,687 57
Stock, .................................. 659,910 00
Do. residuary, .......................... 203,650 00
Treasurer United States, .......................... 27,363 12
Due to individuals, .......................... 161,518 93

Cr.

$1,394,358 63

Current expenses, .......................... $13,320 82
Due from other Banks, .......................... 2,948 92
Real Estate, .......................... 426,889 90
Due from individuals, .......................... 872,677 75
Defalcation at Branches, .......................... 29,156 11
JOURNAL OF
[Feb. 9.

CASH ON HAND.

Silver,  \$257.30
Notes of other Banks,  2,714.25
Kentucky Notes,  2,559.75
Commonwealth's Notes,  43,823.33-49,355.15

The Bank holds notes for rent of property, which have not been carried into the general account, amounting to  \$8,561.15

[B]

Bank of Kentucky, Jan. 22, 1828.

Gentlemen: I hasten to give you explanations on such points of your note of this morning as are susceptible of an immediate answer.

The head of "due to other banks," is formed of balances upon the books in favor of the Farmers and Mechanics Bank of Cincinnati, of \$63.29
Bank Vincennes  7.88
Bank Missouri  2.50
Bank Commonwealth of Ky.  608.75
Bank Merch'ts. (New-York)  1,50
Bank U. States  9100.00

The balance to the Bank United States alone bears interest, \$9,000 at 4 per cent, and \$100 at 6 per cent per annum. This debt was contracted by redeeming from circulation, the notes of the bank, and becomes payable in the latter end of the year 1829. That to the Bank of the Commonwealth of Kentucky was contracted on the 22d August last, and is payable on demand. The others have been standing on the books for several years.

"The current profits," consists of every species of gain liquidated, received and entered on the books since the 31st December, 1826, and embraced the discounts upon notes which had lain over, or were in suit, since collected and settled, either in entirety or to an amount exceeding the principal rents of property, and of costs of litigation adjudged to the bank, collected and paid over the current profits from themselves, under the following general heads, viz:

Discounts,  \$8,281.64
Rents of real estate,  2,377.24
Premiums,  17,028.95

\$27,687.57

In consequence of the ill health of the agent, there has been no return from the lower district for the last six months. Of course
the profits of that district for that time have not been entered in the books, and are not included in the statement furnished. The premiums comprise every description of profits, save discounts and rents.

The balance to the treasurer of the United States, originated from a deposit of the notes of this bank in the year 1821. The secretary of the treasury has intimated on more occasions than one, a desire to resume the amount, but has advanced no claim for interest. Whether any will be advanced, and if advanced, how far it may be sustainable in law, I will not presume to determine.

Of the sum standing to the credit of individuals $34,320-70-100 are in specie, $10,467 37-100 notes of this bank, $80,107 42-100 notes of the bank of the Commonwealth of Kentucky, and $36,623 44-100 of balances to the credit of debtors applicable to their respective debts, $33,443 82-100 of the specie is chargeable with an interest of six per centum per annum, and consists of $11,200, borrowed for the purpose of redeeming the notes of the bank, and $2,168 84-100 of the certificates become due during the present year. The residue of the certificates and the $11,200, during the year 1829. The balance of the specie debt, say $876 88-100, consists of old deposits, and is payable on demand, but carries no interest. The Kentucky notes and those of the bank of the Commonwealth, are also payable on demand. Payments on from four to five thousand dollars of the Kentucky Bank notes in deposit, was demanded some time since. No arrangement or contract however, was made for placing them on an interest footing. Whether the demand subjected them to interest is a matter for future consideration.

The greater portion of the $80,107 42-100, say $78,424 75-100, notes of the bank of the Commonwealth, belong to stockholders for dividends and distributions of stock. There stand on the books, balances against the following banks, viz:

<table>
<thead>
<tr>
<th>Bank</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cincinnati</td>
<td>1 66</td>
</tr>
<tr>
<td>Pittsburgh</td>
<td>3 32</td>
</tr>
<tr>
<td>Cumberland</td>
<td>323 00</td>
</tr>
<tr>
<td>Columbia</td>
<td>314 50</td>
</tr>
<tr>
<td>Farmers Bank of Logan</td>
<td>1,577 96</td>
</tr>
<tr>
<td>Georgetown</td>
<td>146 43</td>
</tr>
<tr>
<td>Frankfort</td>
<td>782 05</td>
</tr>
</tbody>
</table>

$2,948 92

Most of these banks are in low repute, and the balances have been on the books for some time. Those against the bank of Cumberland, Columbia and Logan, have been handed over to
It is apprehended that the prospect of obtaining anything from the two first is unpromising. Indemnity in part or in whole, is believed, will be eventually obtained for the latter. That of Georgetown was liquidated some time since, and secured by the transfer, in part, of a judgment against certain persons in Scott county. The balance against the Frankfort bank, on which there has accrued interest to a greater amount than the balance itself, is believed to be secure. The present balance is only the residue of a large sum reduced by payments from time to time. The above remarks show that the two latter balances are by express agreement subject to interest. The defalcation at branches are made up of the following items, viz:

<table>
<thead>
<tr>
<th>Branch</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Springfield</td>
<td>8,170 70</td>
</tr>
<tr>
<td>Danville</td>
<td>9,474 00</td>
</tr>
<tr>
<td>Bardstown</td>
<td>10,661 41</td>
</tr>
<tr>
<td>Hopkinsville</td>
<td>850 00</td>
</tr>
</tbody>
</table>

The branches of Springfield and Danville were robbed, the first in the latter end of the year 1823, or beginning of that of 1824, and the latter, about twelve months previously. The above deficiences were upon an examination instituted immediately after the happening of those events into their situation, found to exist. Suit was instituted to recover that of Springfield, and a judgment by compromise, through advice of counsel, rendered at the fall term of the Mercer circuit court, for the sum of $2,000, which sum is thought to be safe. No suit has been instituted for the recovery of that of Danville. The directors of that branch, shortly after that event, and upon the close of their investigations, published to the world a testimonial of the worth, and of their unabated confidence in the cashier. Under such circumstances, it was believed that a measure of the kind would be unjustifiable, odious and unavailing. Judgment for about $6,000, has been rendered upon that of Bardstown; the defendants have appealed. Should they fail, and there is every probability that they will, this amount will be realized. The defalcation at Hopkinsville was for a larger amount. Just before that, a compromise was effected under advice of counsel, by which the default now reported, was unprovided for, and may be regarded as entire loss.

Of the notes of other Banks.

On the Merchants bank of Alexandria, $355
Fayetteville, Tennessee, 60
Farmers and Mechanics bank of Chillicothe, 5
Bank of Juniata, Pennsylvania, 5
Virginia Saline, 1
Bank Cincinnati. 35
Feb. 9.]  

THE SENATE.  

<table>
<thead>
<tr>
<th>Institution</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Salem,</td>
<td>8</td>
</tr>
<tr>
<td>Bank of Vincennes,</td>
<td>175.12</td>
</tr>
<tr>
<td>Bank Urbana,</td>
<td>90</td>
</tr>
<tr>
<td>Farmers and Mechanics bank of Nashville,</td>
<td>51</td>
</tr>
<tr>
<td>Bank of Somersett,</td>
<td>1</td>
</tr>
<tr>
<td>Hinkston Exporting Company,</td>
<td>11</td>
</tr>
<tr>
<td>Kentucky Insurance,</td>
<td>12.25</td>
</tr>
<tr>
<td>Bank of ShepHERsville,</td>
<td>1</td>
</tr>
<tr>
<td>Petersburgh Steam Mill,</td>
<td>43</td>
</tr>
<tr>
<td>Bank of Mountsterling,</td>
<td>4</td>
</tr>
<tr>
<td>Bank of Cynthiana,</td>
<td>2</td>
</tr>
<tr>
<td>Bank of Newport,</td>
<td>4</td>
</tr>
<tr>
<td>Bank of Nicholasville,</td>
<td>3</td>
</tr>
<tr>
<td>Bank of Carlisle,</td>
<td>21</td>
</tr>
<tr>
<td>Bank of Morgantown,</td>
<td>264</td>
</tr>
</tbody>
</table>

|$1,079.37|

And may be regarded as absolutely lost.

<table>
<thead>
<tr>
<th>Institution</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank of Missouri,</td>
<td>1</td>
</tr>
<tr>
<td>Farmers and Mechanics bank of Cincinnati,</td>
<td>10</td>
</tr>
<tr>
<td>Bank of Vincennes,</td>
<td>7.88</td>
</tr>
</tbody>
</table>

Although worthless in themselves, are saved by offsetting them against the balances standing in the books to the credit of these banks.

<table>
<thead>
<tr>
<th>Institution</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank of Indiana,</td>
<td>9</td>
</tr>
<tr>
<td>Bank of Henderson,</td>
<td>194</td>
</tr>
<tr>
<td>Bank of Illinois,</td>
<td>846</td>
</tr>
</tbody>
</table>

May be regarded as available at some future period. The notes of the Bank of Henderson have been placed in the hands of counsel; those of Indiana and Illinois are still on hand—the latter carry on their face an interest of two per centum per annum.

<table>
<thead>
<tr>
<th>Institution</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank of Barboursville,</td>
<td>225</td>
</tr>
<tr>
<td>Do. Burlington,</td>
<td>75</td>
</tr>
</tbody>
</table>

No suit has been instituted on these notes, because it has been understood there was nothing reachable; yet they may not be considered as altogether insolvent; there is a probability that at some future time something may be realized from them.

Of specie paying banks,  

<table>
<thead>
<tr>
<th>Institution</th>
<th>Balance</th>
</tr>
</thead>
</table>
| Efforts have been made, from time to time, to convert most of the above notes into money. The greater part has been on hand for years, even before my connexion with the bank. Those of the Bank of Illinois were principally received from the branches, when, upon their discontinuance, their funds were transferred to this office. A list of the several parcels of property composing the "real estate," is appended in a separate paper. The directors have
formed no estimate different from the costs, of its value. It is
not however, supposed to be, in fact, worth that amount.

Of the head "due from individuals," there is:

- Under Discount, $150,484
- Suit, 484,432 60
- Lying over, 216,306 72
- Due at future dates, 21,604 43

These classes are ever varying, running into each other, and
changing their respective positions and amount, so that what is
under discount to-day, may be either lying over or in suit to-morrow, and vice versa. It is therefore to be understood, that these
explanations, and indeed all herein given, refer to the business as
exhibited by the books on the 31st December, 1827. It is also
to be remarked, that as many of the matters in relation to which
they are made, have no distinctive heads in the books under
which they are digested and arranged, many of the explanations
have been derived from the collation of different items, and may,
as to amounts, from the haste with which that collation has been
made, be somewhat inaccurate, but not yet so much so as to
alter materially the general result. When notes lying over are
paid, or renewed, the arrears of interest are taken to the account
of premiums; so also, when notes in suit are paid and written
off, the arrears of interest and the costs are taken to the same
account. There is perhaps as much or more of interest accruing
or accrued, for the current year on debt, paid in the shape of
premiums upon lying over notes renewed, as is entered to the
account of discounts upon notes of accommodation. This is,
however, only a hyperthetical opinion, since there is no account
in bank which discriminates between premiums composed of in-
terest accruing during the current year, and those arising from
interest accrued in previous years; each being embraced by the
general premium account.

Should you wish, as may perhaps be inferred from your note,
a detailed account of each deposit, of each item of expenditure,
and of each debt to the institution, some time must elapse before
it can be furnished, since it will be a work of much labor.

Respectfully,

J. HARVIE, President

Real Estate held by the Bank of Kentucky.

<table>
<thead>
<tr>
<th>Description</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Banking house, Frankfort, 10,000</td>
<td>Am't sold</td>
</tr>
<tr>
<td>A moiety of two lots containing 10 acres</td>
<td>10,000</td>
</tr>
<tr>
<td>near the town of Columbus, Ohio, also 105 near</td>
<td></td>
</tr>
<tr>
<td>the same and one out lot in the said town, 3 acres</td>
<td>5,000</td>
</tr>
</tbody>
</table>
**FEB. 9.**

**THE SENATE.**

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
<th>Am't sold</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lots No. 240, 241, 242, South Frankfort</td>
<td>1,000</td>
<td>$2,564</td>
</tr>
<tr>
<td>Parts of No. 238, 239 do</td>
<td>750</td>
<td></td>
</tr>
<tr>
<td>do 236 do</td>
<td>1,700</td>
<td></td>
</tr>
<tr>
<td>Brick house, main street, New-Castle</td>
<td>1,800</td>
<td></td>
</tr>
<tr>
<td>do do do</td>
<td>1,700</td>
<td></td>
</tr>
<tr>
<td>Lot called the old tavern do</td>
<td>250</td>
<td></td>
</tr>
<tr>
<td>10 acres near to do</td>
<td>2,200</td>
<td></td>
</tr>
<tr>
<td>400 acres of land in Madison county</td>
<td>3,200</td>
<td>2,200</td>
</tr>
<tr>
<td>1,800 do Lexington</td>
<td>1,800</td>
<td></td>
</tr>
<tr>
<td>Part of lot No. 7 Wapping street, Frankfort</td>
<td>4,000</td>
<td></td>
</tr>
<tr>
<td>Lots No. 157 a 164 do</td>
<td>12,000</td>
<td>940</td>
</tr>
<tr>
<td>Parts of No. 34 and 45 do</td>
<td>3,000</td>
<td></td>
</tr>
<tr>
<td>do of No. 23, 37 and 9 do</td>
<td>3,485</td>
<td></td>
</tr>
<tr>
<td>House and lot, main street, New-Castle</td>
<td>2,000</td>
<td>1,252</td>
</tr>
<tr>
<td>Parts of lots No. 51 and 48 Frankfort</td>
<td>1,500</td>
<td></td>
</tr>
<tr>
<td>171 acres of land on the Georgetown road near Frankfort</td>
<td>3,420</td>
<td></td>
</tr>
<tr>
<td>House and parts of lots No. 53 and 40 Frankfort</td>
<td>3,000</td>
<td></td>
</tr>
<tr>
<td>Lots No. 38 a 43, 46 a 57, 59 a 91, 93 a 106, and 131 a 136 inclusive, South Frankfort, Glenn Willis near Frankfort</td>
<td>4,100</td>
<td></td>
</tr>
<tr>
<td>Parts of lots No. 21 a 24, So. Frankfort</td>
<td>1,509</td>
<td>425</td>
</tr>
<tr>
<td>237, 325, 2633, 1439, 535, 511, 744, 220, 164, 115 1-2, 45 acres in Boone county</td>
<td>54,838</td>
<td>75,10,540</td>
</tr>
<tr>
<td>10,047 acres in Nicholas county</td>
<td>10,047</td>
<td></td>
</tr>
<tr>
<td>296 acres, Franklin county</td>
<td>5,633</td>
<td>50</td>
</tr>
<tr>
<td>20 acres do near Leestown,</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>17,446 acres in Owen county</td>
<td>23,988</td>
<td>25</td>
</tr>
<tr>
<td>House and part of lot No. 29, Frankfort, 1-3 part of Frankfort steam mill</td>
<td>5,633</td>
<td>6,875</td>
</tr>
<tr>
<td>do do</td>
<td>1,223</td>
<td>174 62</td>
</tr>
<tr>
<td>House and parts of lots No. 19, 20, Frankfort</td>
<td>6,000</td>
<td></td>
</tr>
<tr>
<td>Lot near the market house, Louisville, 320 acres Eagle creek, Scott county,</td>
<td>3,411</td>
<td>66</td>
</tr>
<tr>
<td>Parts of lots No. 63 and Frankfort</td>
<td>1,845</td>
<td></td>
</tr>
<tr>
<td>Part of No. 31,</td>
<td>3,500</td>
<td>2,470</td>
</tr>
<tr>
<td>Parts of lots No. 103, 114 and part of 98, do</td>
<td>4,000</td>
<td>900</td>
</tr>
<tr>
<td>Parts of lots No. 31 and 45, do</td>
<td>4,496</td>
<td></td>
</tr>
<tr>
<td>9-17 of a house and lot in Lexington,</td>
<td>900</td>
<td></td>
</tr>
<tr>
<td>House and lot No. 27, Frankfort, 331 acres in Owen county</td>
<td>1,500</td>
<td></td>
</tr>
<tr>
<td>Description</td>
<td>Cost</td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>-------</td>
<td></td>
</tr>
<tr>
<td>House and lot No. 185, Frankfort,</td>
<td>$4,119</td>
<td></td>
</tr>
<tr>
<td>Part of a house and lot in South Frankfort,</td>
<td>$400</td>
<td></td>
</tr>
<tr>
<td>Banking house, Lexington,</td>
<td>$15,727.99</td>
<td></td>
</tr>
<tr>
<td>9-17 of a house and lot in Lexington,</td>
<td>$800</td>
<td></td>
</tr>
<tr>
<td>House and lot on main-street,</td>
<td>$2,350</td>
<td></td>
</tr>
<tr>
<td>do on mill-street,</td>
<td>$2,000</td>
<td></td>
</tr>
<tr>
<td>do on main-cross-street,</td>
<td>$1,450</td>
<td></td>
</tr>
<tr>
<td>Small unimproved lot</td>
<td>$50</td>
<td></td>
</tr>
<tr>
<td>Banking house, Washington,</td>
<td>$9,023.01</td>
<td></td>
</tr>
<tr>
<td>do Paris,</td>
<td>$7,473.05</td>
<td></td>
</tr>
<tr>
<td>do Shelbyville,</td>
<td>$4,454.05</td>
<td></td>
</tr>
<tr>
<td>Part of Beall's property near Bardstown,</td>
<td>$2,867.66</td>
<td></td>
</tr>
<tr>
<td>do in do called Beall's row,</td>
<td>$15,510</td>
<td></td>
</tr>
<tr>
<td>Banking house in Bardstown,</td>
<td>$4,495</td>
<td></td>
</tr>
<tr>
<td>do and parts of lots No. 2 and 13,</td>
<td>$17,769.15, $7,799.15</td>
<td></td>
</tr>
<tr>
<td>Louisville,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>House and lot on the west side of Little River, Hopkinsville,</td>
<td>$902</td>
<td></td>
</tr>
<tr>
<td>24 lots and 25 acres adjoining Hopkinsville,</td>
<td>$955</td>
<td></td>
</tr>
<tr>
<td>House and lot No. 21, in do</td>
<td>$2,400</td>
<td></td>
</tr>
<tr>
<td>10 acres of land near</td>
<td>$1,655</td>
<td></td>
</tr>
<tr>
<td>Lots No. 263, 321, 319, 123, 140, 165, 192, 120, 122, nine lots in the</td>
<td></td>
<td></td>
</tr>
<tr>
<td>southern addition, parts of lot No. 31, 51 and 21, and two out lots in</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Glasgow, lots No. 8 and 9, Scottville, Allen county, house and lot in</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Glasgow, two tracts of 105 and 568 acres Barren county, two tracts in</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monroe county, three tracts of 60, 105 and 568 acres in Hart county,</td>
<td>$9,629</td>
<td></td>
</tr>
<tr>
<td>Banking house, Winchester,</td>
<td>$5,547.78</td>
<td></td>
</tr>
<tr>
<td>About 300 acres of barrens, Logan county,</td>
<td>$1,112.51, $1,234.99</td>
<td></td>
</tr>
<tr>
<td>Banking house, Russellville,</td>
<td>$3,000</td>
<td></td>
</tr>
<tr>
<td>House and lot No. 52 St. Clair-street, Frankfort, 400 acres Christian,</td>
<td>$6,504</td>
<td></td>
</tr>
<tr>
<td>630 acres Ohio,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>700 acres Logan,</td>
<td>$2,000 $2,100</td>
<td></td>
</tr>
<tr>
<td>House and lot on Broadway, part No. 53, Frankfort,</td>
<td>$4,000</td>
<td></td>
</tr>
<tr>
<td>Three tracts of land in Boone county,</td>
<td>$6,000</td>
<td></td>
</tr>
<tr>
<td>Part of lot No. 193 Frankfort, and 33 acres near town,</td>
<td>$1,800 $200</td>
<td></td>
</tr>
<tr>
<td>House and lot in Glasgow, 7 acres adjoining Glasgow, 165, 248, 635, 261</td>
<td>$6,925</td>
<td></td>
</tr>
<tr>
<td>acres Barren county, 478 acres Hart county,</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### THE SENATE.

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost (USD)</th>
<th>Amount sold (USD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A moiety of house and part of lot No. 31, Frankfort</td>
<td>750</td>
<td></td>
</tr>
<tr>
<td>Two houses and lots in Burksville, and a moiety of 3,000 acres of land near Burksville</td>
<td>16,352</td>
<td>16</td>
</tr>
<tr>
<td>Sundry tracts on the waters of Red River in Logan county</td>
<td>1,300</td>
<td></td>
</tr>
<tr>
<td>House and part of lot No. 44 and 51, Frankfort</td>
<td>4,243</td>
<td></td>
</tr>
<tr>
<td>6-2-3 acres near Lexington</td>
<td>350</td>
<td></td>
</tr>
<tr>
<td>885 do Butler’s old farm, Logan county</td>
<td>2,530</td>
<td>42</td>
</tr>
<tr>
<td>200 do Wolf Lick,</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>456 1-4 acres,</td>
<td>1,369</td>
<td></td>
</tr>
<tr>
<td>House and lot main-street, and No. 1, 2, 3, 11, 12, 13, 14, in Russellville</td>
<td>84</td>
<td>25</td>
</tr>
<tr>
<td>House and part of lot No. 52, Glasgow, do No. 30, Bowlinggreen</td>
<td>2,000</td>
<td></td>
</tr>
<tr>
<td>1,550 acres in Hart county</td>
<td>5,000</td>
<td></td>
</tr>
<tr>
<td>Sundry tracts in Hart and Barren</td>
<td>10,397</td>
<td></td>
</tr>
<tr>
<td>Part of House and lot No. 31, Frankfort</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>House and lot in Glasgow</td>
<td>3,630</td>
<td>45</td>
</tr>
<tr>
<td>An out lot, Lexington</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>883 acres Barren county, 3 forks, and tavern lot in Glasgow occupied by Moss</td>
<td>7,108</td>
<td>50</td>
</tr>
<tr>
<td>Two tracts of land in Logan</td>
<td>64</td>
<td></td>
</tr>
<tr>
<td>One half Leestown warehouse</td>
<td>5,500</td>
<td></td>
</tr>
<tr>
<td>200 acres M’Connells run and Eagle creek, Scott county—100 do north Elkhorn, near Great Crossings, do—100 do do do—428 do do do</td>
<td>16,208</td>
<td>75 5,156</td>
</tr>
<tr>
<td>5-18 lot on short-street, No. Lexington</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>600 acres Warren county</td>
<td>1,300</td>
<td></td>
</tr>
<tr>
<td>25 shares bridge stock</td>
<td>1,250</td>
<td></td>
</tr>
<tr>
<td>Lot No. 27, Campbell’s addition, Louisville</td>
<td>2,000</td>
<td></td>
</tr>
<tr>
<td>100, 40 and 70 acres, Somerset, Pulaski</td>
<td>540</td>
<td></td>
</tr>
<tr>
<td>Sundry tracts in Henderson county</td>
<td>10,250</td>
<td></td>
</tr>
<tr>
<td>404 1-2 acres, Hart county</td>
<td>505</td>
<td>62</td>
</tr>
<tr>
<td>3 tracts of land in Campbell county</td>
<td>2,838</td>
<td>15</td>
</tr>
<tr>
<td>One negro girl,</td>
<td>305</td>
<td></td>
</tr>
<tr>
<td>Credit by a lot of wood sold</td>
<td>75</td>
<td></td>
</tr>
</tbody>
</table>

**Credits:**

<table>
<thead>
<tr>
<th>Credits</th>
<th>Amount (USD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$463,095</td>
<td>56</td>
</tr>
<tr>
<td>36,195</td>
<td>66</td>
</tr>
</tbody>
</table>

**Total:**

$426,899 90
Bills from the House of Representatives of the following titles:
1. An act for the benefit of Richard Barnett and others.
2. An act for the benefit of Elizabeth Lemon.
3. An act for the improvement of the navigation of Rough creek.
4. An act for the benefit of John Fraughn.
5. An act to authorize certain county courts to appoint reviewers to view a way from Richmond, in Madison county, to the Green river Salt works.
6. An act concerning Salem academy in Nelson county. And,
7. An act to amend an act entitled, “an act allowing additional justices of the peace and constables to certain counties,” approved January 25, 1827.

Were severally read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the 1st, 2d, 3d, 6th and 7th bills having been dispensed with; the third bill was committed to a select committee of Messrs. W. Green, Crutcher, Woods and Cunningham.

Ordered, That the 1st, 2d, 6th and 7th bills be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the 2d, 6th and 7th bills having been dispensed with;

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Crutcher inform the House of Representatives thereof.

A bill from the House of Representatives entitled, “an act for the relief of John Deverin,” was read the first time as follows, viz:

WHEREAS it has been represented and appears to the present General Assembly, that John Deverin, in the month of December, one thousand eight hundred and twenty five, obtained from the clerk of the Fayette county court, a license to set up and use a billiard table, in the town of Lexington, for one year from the date thereof; that the said Deverin has since paid the tax required by law to be paid for said license, and that from causes over which he had no control, has been unable to set up and keep the billiard table as aforesaid.

Be it, therefore, enacted by the General Assembly of the Commonwealth of Kentucky, That the said John Deverin be, and he is hereby authorized and permitted to set up and use a billiard table, in the town of Lexington, or elsewhere, for one year and no longer, free from tax, any law to the contrary notwithstanding.

Mr. Maupin moved to lay the said bill on the table until the first day of June next.
And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Fleming and Hickman, were as follows, viz:


A joint resolution from the House of Representatives, offering a reward of five hundred dollars for the discovery of the disease called the milk sickness, was taken up and twice read as follows:

IN THE HOUSE OF REPRESENTATIVES. Feb. 4, 1828.

WHEREAS, it is represented to this General Assembly, that many of the good people of this Commonwealth are, from time to time, seriously affected with the disease commonly called the milk sickness; and whereas it is believed that if the true cause of the malady could be discovered, many, if not all, might be saved from its ravages:

Be it therefore resolved, That the sum of five hundred dollars be, and the same is hereby offered to any person or persons who shall satisfy the Medical Faculty of Transylvania University, that he or they have discovered the true cause of the said disease, which sum shall be paid to the person or persons so making the discovery, upon the certificate of said Faculty, out of any money in the Treasury not otherwise appropriated.

Extract, &c.

Attest,

R. S. TODD, C. H. R.

On the motion of Mr. McConnell, the said resolution was amended by striking out that part printed in italics, and inserting in lieu thereof, the following, viz: "discover and make known the true cause of the said disease, and a specific cure for the same; and if any person shall discover the cause alone, he shall be entitled to half the above sum, and the person discovering the specific cure the other half. Provided however, That the several discoveries herein mentioned, must have been made within twelve months from the passage of this resolution, to entitle him to the reward herein offered."

The question was then taken on concurring in the said resolution as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Cockerill and Maupin, were as follows, viz:

YEAS—Messrs. Allen, Beatty, Barrett, Cunningham, Crutcher, Daviess, Dudley, Faulkner, Fleming, W. Green, Garrard, Gibson, J. Hughes, A. S. Hughes, Hardin, Hickman, Lockett, McConnell,
Ordered, That Mr. W. Green inform the House of Representatives thereof, and request their concurrence in the said amendment.

After a short time a message was received from the House of Representatives announcing their concurrence in the said amendment.

A message from the House of Representatives by Mr. Hanson:
Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate entitled, an act to regulate civil proceedings against communities having property in common, with an amendment, in which they request the concurrence of the Senate.

And then he withdrew.

The said amendment was taken up and twice read.

Mr. Wickliffe moved to lay the said bill and amendment on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Crutcher, were as follows, viz:

The said amendment was then concurred in.

Ordered, That Mr. Daviess inform the House of Representatives thereof.

A bill from the House of Representatives entitled, “an act to amend the law in relation to costs,” was read the second time.

And the question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Ordered, That Mr. Daviess inform the House of Representatives thereof.

Messages were received from the House of Representatives, announcing their concurrence in the amendments proposed by the Senate, to bills from that House of the following titles:
An act to allow additional constables in certain counties.
An act to amend “an act authorizing the county courts to appoint inspectors of Salt.” And
An act for the benefit of John Allen and others.
And that they have passed bills from the Senate of the following titles:

An act to authorize the county court of Wayne to appropriate certain lands for the purpose of opening a road through part of Wayne and Whitley counties.

An act for the benefit of Augustin Clayton. And,

An act for the relief of securities in individual contracts. With amendments to the latter bill.

The said amendments to the latter bill were taken up, twice read and concurred in.

Ordered, That Mr. Daviess inform the House of Representatives thereof.

A bill from the House of Representatives entitled, "an act to remove the seat of justice of Oldham county;" was read the second time.

Mr. Dudley moved to commit the said bill to a select committee.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. M'Coy and Fleming, were as follows, to-wit:


Mr. J. Hughes moved to amend the said bill by adding thereto the following proviso:

Provided a majority of all the qualified voters who reside in said county, shall so determine at an election which shall be held at Lagrange, for that purpose, on the first Monday in April next, and be conducted as elections are now conducted for electing Representatives to the legislature of this State, and the polls shall be opened at Lagrange, and the several precincts in the county aforesaid, and continue open for three days, and no longer, and the place voted for and obtaining a majority as aforesaid, shall be the permanent seat of justice in and for said county.

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hardin and M'Coy, were as follows, viz:


NAYS—Messrs. Faulkner, Fleming, Given, Garrard, Gibson,
Ordered, That the said bill be read a third time.

Mr. Mc'Connell moved that Henry Halbert and Jesse Hambrick of Lewis county, who were summoned, upon the application of Mr. Allen, as witnesses to appear on the 31st ultimo, and give evidence at the bar of the Senate, but did not appear until this day, it not being in their power to attend at an earlier day, be permitted to claim their attendance.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Beatty and Wood, were as follows, to wit:


A bill from the House of Representatives entitled, "an act appropriating the fines and forfeitures for the lessening the county levy of certain counties," was read the second time, and committed to a select committee of Messrs. Crutcher, Faulkner, Given, W. Green, Maupin, Smith and Mc'Connell.

A bill from the House of Representatives entitled, "an act to amend an act approved, February 4th, 1815, in relation to justices of the peace," was read a second time and ordered to be read a third time.

Bills from the House of Representatives of the following titles, viz:

An act to provide for the building of bridges across certain water courses in Greenup county, And,
An act further to regulate appeal bonds,
Were severally read the third time as amended.

Resolved, That the said bills as amended do pass, and that the title of the former be as aforesaid, and that of the latter be amended to read, an act further to regulate appeals and appeal bonds.

Ordered, That Mr. Mc'Connell inform the House of Representatives thereof, and request their concurrence in the said amendments.

After a short time, a message was received from the House of Representatives, announcing their concurrence in the said amendments to the former bill.

Bills from the House of Representatives of the following titles, viz:

An act to add the county of Mercer to the twelfth judicial district.
An act for the relief of John M’Ferran, Alanson Trigg and Hiram L. Faris.

An act to authorize the sale of part of the public square in the town of Mount Vernon, Rockcastle county. And,

An act for the benefit of Beverly Brown.

Were severally read the first time, and laid on the table until the first day of June next.

A message was received from the House of Representatives, announcing the passage of bills of the following titles:

An act prescribing the duties of the clerks of the inferior courts in making out complete records. And,

An act to amend the law in trials cognizable before justices of the peace.

A bill for the benefit of the sheriff of Logan county, was read the second time and committed to a select committee of Messrs. Slaughter, Summers and W. Green.

A bill from the House of Representatives entitled, "an act to remove the obstructions to the navigation of Pond river," was read the third time as amended.

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Faulkner and A. S. Hughes, were as follows, to wit:

YEAS—Messrs. Allen, Cunningham, Dudley, W. Green, J. Hughes, Hardin, Lockett, Maupin, M’Millan, Muldrow, Pope, Slaughter, Summers, Smith, Wood and Woods—16.


Resolved, That the title of the said bill be as aforesaid.

Ordered, That Mr. Lockett inform the House of Representatives thereof, and request their concurrence in the said amendment.

A bill from the House of Representatives entitled, "an act to authorize the insertion of advertisements in certain newspapers," was read the third time, and amended by way of an engrossed rider.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Fleming inform the House of Representatives thereof, and request their concurrence in the said amendment.

A bill from the House of Representatives entitled, "an act making a further appropriation for rebuilding the Capitol, and for other purposes," was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provi-
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...and second reading of the said bill having been dispensed with, it was amended at the clerk's table.

And the question being taken on reading the said bill as amended, a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Cockerill, were as follows, to-wit:


And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with:

The question was taken on the passage thereof, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Cockerill, were as follows, to-wit:


Ordered, That Mr. Dudley inform the House of Representatives thereof, and request their concurrence in the said amendment.

Bills from the House of Representatives of the following titles, viz:

1. An act to change the place of holding elections in the south precinct in Washington county.
3. An act vesting the trustees of Springfield with power to pave the streets of said town.
4. An act to amend the act for the better regulation of the town of Winchester.
5. An act to authorize the Secretary of State to purchase seventy-five copies of the Digest.
6. An act for the relief of Edmund Collins.
7. An act to authorize the county court of Grant to sell a part of the public ground.
8. An act authorizing the appointment of trustees to the Jefferson and Morgan seminaries.
9. An act to change the place of holding the election in the Meeting creek precinct, in the county of Hardin.
10. An act to amend the law concerning public roads.
11. An act authorizing the trustees of Grant seminary to sell their donation land.
12. An act to repeal so much of an act approved December 21st, 1825, as allows an additional justice of the peace to the county of Bath, as requires the same to reside in the town of Sharpsburg.
14. An act for the benefit of the heirs of David Dickerson, deceased.
15. An act to amend the militia law.

Were severally read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second reading of the sixth and fifteenth bills having been dispensed with, the sixth was committed to a select committee of Messrs. A. S. Hughes, Fleming, Hickman and Garrard; and the fifteenth to a committee of Messrs. Faulkner, A. S. Hughes and Allen.

An act to authorize the surveyors of Lincoln and Pike counties to transcribe parts of their record books, and for other purposes.

An act concerning the Lunatic Asylum.

An act concerning the 70th regiment Kentucky militia.

An act to extend the powers of the trustees of New Castle.

An act to authorize the county court of Logan to appoint commissioners to settle with Spencer Curd, as commissioner ap
pointed by law, to sell a part of the real estate of Nathaniel Drake, deceased.

An act to authorize the draining of certain ponds in Jefferson county.

An act for the benefit of the heirs of Peter Follis.

An act for the benefit of Captain Mairs' company of the 114th regiment.

An act for the benefit of James Patton.

An act appointing commissioners to lay off and mark a State road from Harrodsburg to Smithland, in the county of Livington.

An act to establish a female academy in the town of Harrodsburg.

An act to amend an act entitled, "an act for the opening a road from Cynthiana to Maysville," approved January 24, 1827.

An act for the benefit of the surveyor of Hopkins county.

An act to establish an election precinct in the county of Barren, and for other purposes.

An act to amend an act entitled, "an act to incorporate Jamestown, in Russell county, and for other purposes," approved January 23, 1827, and allowing an additional justice of the peace to Casey county.

An act regulating the town of Salvisa, in the county of Mercer.

An act appointing commissioners to view and mark a State road from Frankfort to the Tennessee line, in the direction of Georgia and Alabama, and for other purposes.

An act for the benefit of the heirs of Newell Beauchamp, deceased.

An act to fix the ratio and apportion the representation for the ensuing four years.

An act for the benefit of Elizabeth Lemon. And,

An act concerning Salem academy, in Nelson county.

And that said bills were signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time Messrs. Given and Cockerill reported that the committee had discharged that duty.

A message from the Governor, by Mr. Pickett, Secretary of State.

Mr. Speaker: The Governor has approved and signed enrolled bills originating in the Senate, of the following titles:

An act to amend "an act further to regulate the Christian academy," approved January 17th, 1817.

An act further to regulate the Cumberland Hospital.

An act for the benefit of Daniel Trabue, and others.
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An act to continue in force, the law providing for the appointment of Commonwealth's attorneys.

An act to restore Eliza B. Shannon and Matilda Morris to the privileges of fames sole.

An act for the benefit of John E. Wilson.

An act to amend an act entitled, "an act to regulate the several laws regulating the towns of Harrodsburg and Richmond, and Hopkinsville," approved December 21, 1825.

An act supplementary to an act entitled "an act for the benefit of Thomas Smith and others," approved 31st day of December, 1827.

An act to add a small part of Warren to the county of Allen.

An act to ratify and confirm the line of 36° 30' as run by Thomas J. Matthews.

An act for the benefit of the clerk of the Nicholas circuit court.

An act to establish an election precinct in Floyd county, and for other purposes.

An act concerning the appropriation of fines and forfeitures, in the counties of Mason and Nicholas.

An act for the benefit of the commissioners appointed to fix the county seat of Anderson county.

And a resolution entitled, "a resolution for placing in Transylvania University a Sextant, belonging to the State."

And then he withdrew.

Ordered, That Mr. Given inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Hanson.

Mr. Speaker: The House of Representatives have concurred in the report of the committee of conference, on a bill from the Senate entitled, "an act to amend and reduce into one, the execution laws of this State."

And then he withdrew.

Mr. M'Connell, from the committee of conference on the part of the Senate, made a report: the said bill was taken up, and the report of the committee twice read and concurred in.

Ordered, That Mr. M'Connell inform the House of Representatives thereof.

The nomination by the Governor, of William R. Morton, to be commissioned sheriff of Fayette county, vice Edward Payn, resigned, was taken up.

Resolved, That the Senate advise and consent to the said appointment.

Ordered, That Mr. Wickliffe inform the Governor thereof.

Mr. A. S. Hughes read and laid on the table the following resolution, viz:
Resolved by the General Assembly of the Commonwealth of Kentucky, That the President and Directors of the branch Bank of the Commonwealth of Kentucky, located at Lexington, and they are hereby authorized, to loan of the school fund, to the trustees of Transylvania University, at the rate of three per centum per annum, any sum of money not exceeding six thousand dollars; and that the President and Directors of the branch Bank of the Commonwealth of Kentucky, located at Flemingsburg, and they are hereby authorized, to loan of the school fund, to the trustees of Augusta College, any sum not exceeding two thousand dollars; which loans shall be continued for the term of three years, and no longer; that said loans may be made upon the following conditions, and none other: It shall be the duty of the officers of the branch banks, at which each of said loans are authorized to be made, to take from the person or persons who may apply for such loan, a note with security, to be approved of by the board of directors of the respective branches. Which notes shall be in the form, and made payable, and the interest paid in the manner that is at present required by law, in similar cases.

And then the Senate adjourned.

MONDAY, FEBRUARY 11, 1828.

The Senate assembled.

Mr. Hardin from the committee of finance, to whom was referred, a bill from the House of Representatives entitled, an act for the appropriation of money, reported the same with amendments, which being twice read, was concurred in.

Ordered, That the said bill be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, Mr. Selby moved to re-commit the said bill to the same committee, with instructions to strike out the appropriation of five hundred dollars, to the Auditor and Register.

And the question being taken thereon, it was decided in the negative.

The yeas and days being required thereon by Messrs. Selby and Daniel, were as follows, viz:


Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.
Ordered, That Mr. Hardin inform the House of Representatives thereof, and request their concurrence in the said amendments.

Messrs. Given and Cockerill from the joint committee of enrollments, reported that the committee had examined enrolled bills, and a resolution of the following titles, viz:

An act to amend the act authorizing the county courts to appoint inspectors of salt.
An act authorizing the appointment of trustees to the Jefferson and Morgan Seminaries.
An act to authorize the county court of Grant to sell a part of the public ground.
An act to allow additional constables in certain counties.
An act to amend an act entitled, "an act allowing additional justices of the peace, and constables to certain counties," approved January 25, 1827.
An act for the benefit of the heirs of David Dickerson, deceased.
An act to amend the law concerning public roads.
An act authorizing the trustees of Grant Seminary to sell their donation land.
An act for the benefit of the heirs of Peter Abell, deceased.
An act for the benefit of John Allen and others. Also, A resolution offering five hundred dollars for the discovery of the cause of the milk sickness.
An act vesting the trustees of Springfield with power to pave the streets of said town.
An act to change the place of holding the election in the Meeting creek precinct, in the county of Hardin.
An act to provide for the building of bridges across certain water courses in Greenup county.
An act for the relief of securities in individual contracts.
An act for the benefit of Joseph Paxton and others.
An act to regulate civil proceedings against certain communities, having property in common.
An act providing for the appointment of an Engineer, to survey the Kentucky, Licking and Green rivers.
An act to authorize the county court of Wayne to appropriate certain lands, for the purpose of opening a road through parts of Wayne and Whitley counties.
An act for the benefit of Augustin Clayton.
An act to change the place of holding elections in the south precinct, in Washington county.

And had found the same truly enrolled, and that the said bills were signed by the Speaker of the House of Representatives.
And thereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time Mr. Given and Cockerill reported that the committee had performed that duty.

Mr. Garrard from the committee appointed to examine the Commissioners' books of Mercer county, for the year 1827, made the following report, viz:

The committee to whom was referred a resolution directing an examination of the Commissioners' books of Mercer county, have discharged that duty, and report as follows:

On inspecting the books with a view to ascertain the number of voters returned, they found that it contained alterations too numerous to have been the result of corrections of ordinary mistakes. They therefore felt it their duty to send for the original Commissioners' books returned to the Clerk's office, and for Thomas Allin, Jun. the principle deputy clerk. The subpoena of your committee was in the first instance disregarded, and it was not until last Monday, that they succeeded by a second subpoena, to obtain a view of the original books, which were produced by an under deputy, in the Mercer office; the principle deputy still failing to attend, in consequence, as your committee were informed of some indisposition in his family. The young man who brought the books, could give us no information, and we are left to the evidence which the books themselves furnish. We find on the book returned to the Auditor's office, the names of more than fifty females, with votes attached—many with two and some with three; we have not in all cases been able to determine whether the names have been so attached by the persons who made out the book or not, but in most cases, we are satisfied they were made by another hand. In some cases, these changes of figures, or additions of figures, where they were none, have no doubt been made for the purpose of correction; but in others we believe they are forgeries for the purpose of increasing the number of votes on the book. It is the opinion of the Auditor, that the whole increase of votes produced by such alterations on the book, amounts to one hundred and seven; including the females, and that there have been added since the book was made out, names to which about forty votes are attached, without any property. The additions of names so made, we presume correct, or if not sanctioned by law, it resulted from no bad design, as we have no doubt but that the individuals so designated live in the county, although not found on the original books, with a few exceptions.

In a comparison which we caused to be made between the original books and that returned to the Auditor's office, there were found upwards of forty instances where individuals were design-
We regret to find that the alterations have not been confined to the Auditor's book, but that the original books were evident marks of alteration, which is manifest from the face of the books, but is more conclusively established by an inspection and comparison with the copy sent to the Auditor. Those alterations do not correspond in particulars, except in a few noted instances, but the grand result is not very different; the original books containing a few votes more than the copy in the Auditor's office.

The first count of the copy sent to the Auditor's office, made immediately after it was handed in, yielded a total of 2,169, exclusive of the names contained in the certificates of returns made by the deputy sheriffs, and J. P. Mitchell, amounting to two hundred and ninety-six. The second count yielded 2,193, but this the Auditor thinks was erroneous.

The third count (which we are assured by the Auditor is correct,) yields a total of 2,233, with the like exclusion.

Your committee have not the means, nor do they at this time deem it necessary to ascertain the true number of voters in Mercer county.

Mr. Faulkner from the committee to whom was referred, a bill from the House of Representatives entitled, an act to amend the militia law, reported the same with an amendment, which being twice read, was concurred in.

The said bill was further amended, and ordered to be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with:

Resolved, That the said bill as amended, do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Rodman inform the House of Representatives thereof, and request their concurrence in the said amendments.

The yeas and nays being required on the passage of said bill, by Messrs. McConnell and J. Hughes, were as follows, viz:


Mr. Slangburg from the select committee to whom was referred, a bill for the benefit of the sheriff of Logan county, reported the same without amendment.

The said bill is as follows, viz:
WHEREAS, Samuel Owens, Drewry W. Poor, and Joseph B. Bigger, deputy sheriffs for B. Roberts, sheriff of Logan county, in consequence of a mistake in the Commissioners' books, was compelled to pay fifty-two dollars and fifty-one cents in costs, and services rendered; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of public accounts be, and he is hereby authorized to issue his warrant upon the Treasury, in favor of the above named Samuel Owens, Drewry W. Poor and Joseph B. Bigger, for the aforesaid sum of fifty-two dollars and fifty-one cents, payable out of any money in the Treasury, not otherwise appropriated.

The question being taken on engrossing the said bill and reading it a third time to-morrow, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Wickliffe and Selby, were as follows, viz:

YEAS—Messrs. Beatty, Cunningham, Crutcher, Dudley, Given, W. Green, J. Hughes, Pope, Slaughter and Smith—10.


Mr. Wickliffe from the select committee to whom was referred, a bill from the House of Representatives entitled, an act prescribing the mode of choosing Electors to vote for President and Vice President, reported the same with an amendment, which being twice read, was concurred in.

The said bill being further amended, was ordered to be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

The question was then taken on the passage of the said bill, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Slaughter, were as follows, viz:


NAYS—Messrs. Allen, Barrett, Cockerill, Cunningham, Crutcher, Daviess, Dudley, Given, J. Hughes, Hardin, Maupin, Selby, Slaughter, Smith and Wood—15.

Resolved, That the title of the said bill be as aforesaid.

Ordered, That Mr. Wickliffe inform the House of Representatives thereof, and request their concurrence in the said amendments.

Mr. W. Green from the select committee to whom was refer­
red, a bill from the House of Representatives entitled, an act for the improvement of the navigation of Rough creek, reported the same without amendment.

Ordered, That the said bill be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

The question was taken on the passage of the said bill; it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Selby and Faulkner, were as follows, viz:


Resolved, That the title of the said bill be as aforesaid.

Ordered, That Mr. W. Green inform the House of Representatives thereof.

Messages were received from the House of Representatives, announcing the passage of bills of the following titles, viz:

An act to provide for erecting a bridge across Hinkston creek, at the mouth of Peyton Lick Branch.

An act to amend the law regulating the turnpike and wilderness road.

An act supplementary to an act entitled, an act appointing Commissioners to survey and mark out a road from Harrodsburg to Smithland.

An act for the benefit of the infant heirs of Aquilla Hodskins, deceased.

And of bills which originated in the Senate, of the following titles:

An act concerning the turnpike and wilderness road. And,

An act for the benefit of Sidney P. Clay, and wife.

And that they have received official information that the Governor has approved and signed enrolled bills originating in the House of Representatives, of the following titles:

An act to incorporate the Lexington and Frankfort turnpike or rail road company.

An act to establish a State road from Brandenburg, on the Ohio river, to Bowling-green.

An act to add a part of Gallatin county to the county of Owen.

A message from the House of Representatives by Mr. Breck.

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate entitled, an act more effectually to guard the right of suffrage, and for other purposes, with
amendments, in which they request the concurrence of the Senate.

And then he withdrew.

The said bill and amendments were then taken up.

Mr. Daviess moved to lay the same on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Daviess and McConnell, were as follows, viz:


The first amendment being twice read was concurred in.

The second amendment proposes to add to the bill, the following section, viz:

Be it further enacted, That any candidate for the office of Governor, Lieutenant Governor, member of Congress, Senator or Representative in the State Legislature, if he be convicted of bribery, or treating whilst a candidate, for the purpose of procuring his election, (either directly or indirectly,) shall be liable to be indicted by the grand jury, and fined by a jury, any sum not less than two hundred dollars, nor more than five hundred, and the circuit courts shall give the fines to be appropriated as is now directed by law.

Which being twice read, was amended by striking out the word “convicted” and inserting in lieu thereof “guilty” and by striking out the words “either directly or indirectly.”

The question was taken on concurring in the said amendment as amended, and it was decided in the negative, and so the said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Hardin and Crutcher, were as follows, viz:


Ordered, That Mr. Wickliffe inform the House of Representatives thereof.

Mr. W. Green from the select committee to whom was refer-
red, a bill from the House of Representatives entitled, an act appropriating fines and forfeitures for the lessening the county levy of certain counties, reported the same, with an amendment, which being twice read was concurred in.

**Ordered,** That the said bill be read a third time.

And thereupon the rule of the Senate, constitutional provisions, and third reading of the said bill having been dispensed with:

**Resolved,** That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

**Ordered,** That Mr. W. Green, inform the House of Representatives thereof, and request their concurrence in the said amendments.

Mr. Pope from the committee of courts of justice, to whom was referred, a bill from the House of Representatives entitled, an act for the benefit of the heirs of Thomas Gooch, deceased, reported the same with the following resolution thereon:

**Resolved,** That the said bill ought not to pass.

The question was then taken on reading the said bill a third time, and it was decided in the negative, and so the said bill was disagreed to.

**Ordered,** That Mr. White inform the House of Representatives thereof.

Mr. M'Millan from the committee of propositions and grievances, made the following report, viz:

The committee of propositions and grievances have, according to order, had under their consideration the petition of sundry citizens of Greene county, praying that the place of holding elections in the east fork precinct in said county, be changed from the house of John Miller, to the house of Jeremiah Farmer, in said precinct, and also the remonstrance against said petition, and submit the following report, to wit:

The committee from the best information they can obtain, are satisfied that there are about 70 of the voters resident in said precinct, who have signed the petition, and about 80 voters resident in said precinct, who have remonstrated against it, therefore,

**Resolved,** That said petition be rejected.

Which being twice read, was concurred in.

Mr. Maupin from the majority moved a reconsideration of the vote, by which a bill from the House of Representatives entitled, an act for the relief of John M'Ferran, Alanson Trigg and Hiram L. Eastraw, was laid on the table until the first day of June.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Maupin and Hardin, were as follows, viz:

YEAS—Messrs. Allen, Barnett, Cunningham, Davis, Daniel,
Mr. Dudley having obtained leave, reported a bill to amend an act entitled, an act to incorporate the Lexington and Frankfort turnpike or rail road company.

Which was read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Dudley carry the said bill to the House of Representatives, and request their concurrence.

After a short time a message was received from the House of Representatives announcing the passage of said bill by that body.

A bill from the House of Representatives entitled, an act for the benefit of St. Joseph's College, at Bardstown, and the amendment offered thereto, were taken up.

Mr. Wickliffe moved to lay the said bill and amendment on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Hickman, were as follows, viz:


The said amendment was disagreed to, and the said bill was amended at the Clerk's table.

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended to read "an act for the benefit of the St. Joseph's and Cumberland Colleges."

Ordered, That Mr. Hardin inform the House of Representatives thereof, and request their concurrence in the said amendments.

A bill from the House of Representatives entitled, an act declaring Eagle creek a navigable stream, was read the first time, as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of
Kentucky. That from and after the passage of this act, Eagle creek shall be a navigable stream from Sanders's lower mill to the mouth; and any person or persons erecting or causing to be erected, any bridge, mill-dam, fish-dam or other obstructions to the passage of boats up or down said stream, shall, for every such offence, forfeit and pay the sum of ten dollars, to be recovered in the name of any person suing for the same, before any justice of the peace in Gallatin or Owen counties, for every twenty-four hours said obstruction or obstructions shall remain.

Sec. 2. Be it further enacted, That any person or persons, navigating said stream, shall be at liberty to remove any obstructions which they may find in said stream, whether the same may have been heretofore, or shall hereafter be erected.

Mr. Gibson moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Muldrow and Gibson, were as follows, viz:


A message from the House of Representatives by Mr. Sanders. Mr. Speaker—The House of Representatives have concurred in a resolution from the Senate, for burning a part of the notes of the bank of the Commonwealth of Kentucky.

And then he withdrew.

A bill from the House of Representatives entitled, an act to encourage a publication of a digest of the decisions of the court or appeals.

Was read the first time and laid on the table until the first day of June next.

A bill from the House of Representatives entitled, an act more effectually to suppress the practice of permitting slaves to hire their own time, was read the first time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter it shall not be lawful for the owner or hirer of any negro slaves, within this Commonwealth, to permit such slave to hire his own time, from such owner or hirer, and when any slave shall be found going at large, and not in the employ or business of the owner or hirer, it shall be prima facie evidence of such slave hiring his or her own time.

Be it further enacted, That any person who shall know of any
slaves hiring his or her own time, may make oath of the fact, before
any justice of the peace in the county where such slave shall be
found going at large, and hiring his or her own time, and such
justice shall forthwith issue his warrant directed to the sheriff
constable in said county, who shall apprehend said slave, and
summons the owner or hirer, as the case may be, to appear before
two justices of the peace in said county, and if he shall
appear to the said justices after an examination of the witnesses,
that said slave has hired his or her own time, from his or her
master or hirer, it shall be the duty of said justices to require
from the owner or hirer of such slave, a recognizance to appear
at the next circuit court, and answer the charge, and that such
slave shall not in the mean time hire his or her own time, and if
such owner or hirer shall refuse to give such recognizance, the
said magistrates shall send said negro to jail, until the court suc­
ceding such recognizance, and the owner or hirer of said negro
shall be liable for the jailer's fees, for committing, releasing and
boarding, at the same rates now allowed by law for keeping
felons, and may retain said negro in custody until they are paid.

Be it further enacted, That if any persons shall hereafter violate
the provisions of this act, the fine aforesaid may be recovered by
any person suing for the same, in any court having jurisdiction
by action of debt, one half to be applied to the use and benefit of
the person suing, and the other half to be applied towards less­ing
the county levy, to be collected as other fines. Provided,
that if any person shall be pursued bona fide to judgment under
one of the provisions of this act, that shall be a bar to any pro­ceeding in the other mode.

Mr. Hardin moved to lay the said bill on the table until the
first day of June next.

And the question being taken thereon, it was decided in the
affirmative.

The yeas and nays being required thereon by Messrs. Fleming
and Taylor, were as follows, viz:
Feb. 11.]

THE SENATE.


A bill from the House of Representatives entitled, an act to provide counsel to go to Washington City, to defend the validity of the seven years' limitation law, was read the first time as follows, viz:

Whereas, there is now pending in the Supreme Court of the United States, a writ of error from the Kentucky district, wherein William May and John Hawkins are plaintiffs, and the heirs of Joshua Barney are defendants, in which suit the constitutionality of the statute limiting actions for land to seven years, also the statutes putting residents and non-residents on the same footing, are to be adjudicated upon: It is of matter of great and deep interest to the people of Kentucky, that those statutes which are properly statutes of peace, should be sustained, and that the State may not be wanting to herself, therefore,

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of three hundred dollars be and the same hereby appropriated, as a compensation for counsel hereafter to be elected by the Senate and House of Representatives to attend at the City of Washington, and in the cause aforesaid, use their best efforts to sustain the constitutionality of those laws.

Sec. 2. Be it further enacted, That upon the performing of the duties herein enjoined by the counsel hereafter elected, it shall be the duty of the Auditor of Public Accounts to issue his warrant upon the Treasurer, for the amount aforesaid, in favor of the said counsel, which shall be paid by the Treasurer. Provided however, That no member of either House of the General Assembly, shall be eligible as counsel.

And the question being taken on reading the same a second time, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Wickliffe and A. S. Hughes, were as follows, viz:—


Ordered, That Mr. Cockerill inform the House of Representatives thereof.

Messages were received from the House of Representatives, announcing their concurrence in the amendments proposed by the Senate, to bills from that House of the following titles:

An act to authorize the insertion of advertisements in certain newspapers.

An act to remove the obstructions to the navigation of Pond River.

An act making a further appropriation for the re-building of the Capitol, and for other purposes.

An act further to regulate appeal bonds.

An act appropriating fines and forfeitures for the lessening the county levy of certain counties. And,

An act for the benefit of St. Joseph's College at Bardstown.

And that they concur in all the amendments, except the 17th to which they disagree, proposed by the Senate to a bill from that House entitled, an act for the appropriation of money.

That they disagree to the first and concur in the second amendment proposed by the Senate to a bill from that House entitled, an act prescribing the mode of choosing Electors to vote for President and Vice President.

That they concur in the first and disagree to the second amendment, proposed by the Senate to a bill from that House entitled, an act to amend the militia law.

Resolved, That the Senate insist on their 17th amendment to the said act for the appropriation of money, and that Messrs. Hardin, Crutcher and W. Green be appointed a committee of conference on the part of the Senate, in relation to the said amendment.

Ordered, That Mr. Hardin inform the House of Representatives thereof.

Resolved, That the Senate recede from their first amendment to the said act prescribing the mode of choosing Electors to vote for President and Vice President.

Ordered, That Mr. Pope inform the House of Representatives thereof.

Resolved, That the Senate insist on their second amendment to the said act to amend the militia law.

Ordered, That Messrs. A. S. Hughes, Faulkner and Cockerill be appointed a committee on the part of the Senate, to confer with such committee on the part of the House of Representatives, on the said amendment.

Ordered, That Mr. A. S. Hughes inform the House of Representatives thereof.

A message was received from the House of Representatives, announcing that they recede from their disagreement to the 17th
amendment, proposed by the Senate to the bill from that House entitled, an act for the appropriation of money.

And that they insist on the second amendment, proposed by them to a bill from that House entitled, an act more effectually to guard the right of suffrage, and for other purposes.

The said latter bill and amendment were again taken up.

Mr. Maupin moved to lay them on the table for the present.

And the question being taken thereon, it was decided in the negative—the Speaker voted in the negative.

The yeas and nays being required thereon by Messrs. Daviess and Maupin, were as follows, viz:


Mr. Maupin then moved to lay the said bill and amendment on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hickman and Slaughter, were as follows, viz:


Resolved, That the Senate insist on their disagreement to the said amendment, and that Messrs. M'Connell, Pope and Wickliffe, be appointed a committee on the part of the Senate, to confer with such committee, as may be appointed on the part of the House of Representatives, in relation to the said amendment.

Ordered, That Mr. M'Connell inform the House of Representatives thereof, and request the appointment of a committee on their part.

A bill from the House of Representatives entitled, an act to allow an additional justice of the peace to Union county, and for other purposes, was read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.
Ordered, That Mr. Lockett inform the House of Representatives thereof.

A message from the Governor by Mr. Pickett, Secretary of State.

Mr. Speaker—The Governor has approved and signed enrolled bills which originated in the Senate of the following titles:

An act to fix the ratio and apportion the representation for the ensuing four years.

An act for the benefit of Captain Mairs' company of the 114th regiment.

An act for the benefit of James Patton.

An act to authorize the draining of certain ponds in Jefferson county.

An act to authorize the county court of Logan to appoint Commissioners to settle with Spencer Curd, as Commissioner appointed by law, to sell a part of the real estate of Nathaniel Drake, deceased.

An act concerning the 70th regiment Kentucky militia.

An act appointing Commissioners to view and mark a State road from Harrodsburg to Smithland, in the county of Livingston.

An act for the benefit of the heirs of Peter Pollis.

An act to extend the powers of the trustees of New-Castle.

An act appointing Commissioners to lay off and mark a State road from Frankfort to the Tennessee line in the direction of Georgia and Alabama, and for other purposes.

An act for the benefit of the heirs of Newell Beauchamp, deceased.

An act to amend an act entitled, an act to incorporate Jamestown in Russell county, and for other purposes, approved January 23d, 1827, and allowing an additional justice of the peace to Casey county.

An act regulating the town of Salvisa, in the county of Mercer.

An act to amend an act entitled, “an act for the opening a road from Cynthiana to Maysville,” approved January 24th, 1827.

An act to establish a female academy in the town of Harrodsburg.

An act to establish an election precinct in the county of Barren, and for other purposes.

An act for the benefit of the surveyor of Hopkins county.

An act providing for the appointment of an Engineer, to survey the Kentucky, Licking, and Green Rivers.

An act for the relief of securities in individual contracts.

An act for the benefit of Joseph Paxton and others.

An act to regulate civil proceedings against certain communities having property in common.
Feb. 11.]

**THE SENATE.**

An act for the benefit of Augustin Clayton.

An act to authorize the county court of Wayne, to appropriate certain lands for the purpose of opening a road through parts of Wayne and Whitley counties.

And then he withdrew.

A bill from the House of Representatives entitled, an act to amend an act entitled, an act to prevent the masters of vessels or others employing or removing persons of color from this State, was read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with; the same was amended, and ordered to be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. W. Green, inform the House of Representatives thereof, and request their concurrence in the said amendment.

After a short time a message was received from the House of Representatives, announcing their concurrence in the said amendment.

A bill from the House of Representatives entitled, an act for the benefit of Ann B. Gibson; was read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with;

Mr. Selby moved to amend the same by adding the following section, viz:

*Be it further enacted, That the marriage contract between Matilda Waters and Thomas Waters be dissolved as to the said Matilda, and that the said Matilda be restored to all the rights and privileges of a female sole.*

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Selby and Beatty, were as follows, viz:


Ordered, That the said bill be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;
The question was taken on the passage thereof and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Davies and M'Connell, were as follows, viz:


Resolved, That the title thereof be as aforesaid.

Ordered, That Mr. Crutcher inform the House of Representatives thereof.

Bills from the House of Representatives of the following titles:

An act providing for the establishment of common schools throughout the Commonwealth.

An act to add a part of Caldwell to Trigg county.

An act for the benefit of Leonard B. Parker, deputy sheriff of Hardin county.

An act for the benefit of the heirs of Peter Abel, deceased.

An act to provide for the erection of bridges across Rockcastle river, upon the turnpike and wilderness road.

An act for the divorce of R. Tomlinson and others.

An act for the benefit of Nancy Vaughan and Lydia Rayne.

Were severally read the first time, and ordered to be read a second time.

A bill from the House of Representatives entitled, an act for the benefit of the devisees of Hugh Mercer Tennent, and others, and the amendment thereof reported by the committee of course of justice were taken up; the said amendment was again read and concurred in.

Ordered, That the said bill, as amended, be read a third time.

A bill from the House of Representatives entitled, an act to incorporate the City of Louisville, was read a third time as amended, and recommitted to a select committee of Messrs. Hardin, Pope and J. Hughes.

An engrossed bill entitled, an act to provide for the opening and keeping in repair the public roads in the several counties in this Commonwealth, was read the third time and recommitted to a select committee of Messrs. Hardin, Woods, Pope and Maupin.

A bill from the House of Representatives entitled, an act for the benefit of the heirs of James Neely, deceased, was read the second time, and ordered to be read a third time.

And thereupon the rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with:
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Slaughter inform the House of Representatives thereof.

A bill from the House of Representatives entitled, an act giving further time to certain officers to renew their bonds, was read the second time, and the question being taken on reading the said bill a second time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Maupin and Fleming, were as follows, viz:


A bill from the House of Representatives entitled, an act to regulate the duties of sheriffs, was read the second time, and ordered to be read a third time.

A bill from the House of Representatives entitled, an act to establish Seminaries of learning in the counties of Calloway, Graves, Hickman and Mc Cracken, was read the second time.

Mr. Wickliffe moved to lay the said bill on the table, until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Allen, were as follows, viz:


NAYS—Messrs. Allen, Barrett, Cockerill, Cunningham, Crutcher, Dudley, Given, J. Hughes, A. S. Hughes, Hardin, Lockett, Maupin, Mc Connell, M' Millan, Pope, Rodman and Selby—17.

The said bill was committed to a select committee of Messrs. Given, Hardin and Crutcher.

And then the Senate adjourned.

TUESDAY, FEBRUARY 12, 1828.

The Senate assembled.

The Speaker laid before the Senate, a letter from the President of the Bank of Kentucky, which was read as follows, viz:

Bank of Kentucky, February 12, 1828.

Hon. ROBT. B. M'AFEE, Speaker of the Senate.

Sir: In conformity with an act of the General Assembly, passed at the present session, the stockholders in the Bank of
Kentucky, did, yesterday, on their part, elect Charles Miles and Charles Julian, to serve as Directors the present year.

Most respectfully, your obt. serv't.

PETER DUDLEY, President.

Mr. M'Connell, from the committee of courts of justice, reported a bill for the benefit of Selah Warder and children.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Fleming carry the said bill to the House of Representatives and request their concurrence.

Mr. A. S. Hughes, from the committee to whom was referred, a bill from the House of Representatives entitled, "an act for the relief of Edmund Collins," reported the same without amendment, and the said bill was laid on the table.

A message from the House of Representatives by Mr. Ward:

Mr. Speaker—The House of Representatives request leave to withdraw the report of their concurrence in the amendments proposed by the Senate to a bill from that House entitled, "an act to remove the obstructions to the navigation of Pond river."

And then he withdrew.

Ordered, That leave be given to withdraw said report, and that the clerk inform the House of Representatives thereof.

A message from the House of Representatives by Mr. Duvall:

Mr. Speaker—The House of Representatives have received official information, that the Governor has approved and signed enrolled bills which originated in the House of Representatives of the following titles:

An act concerning Salem Academy in Nelson county.
An act for the benefit of Elizabeth Lemon.
An act concerning the Lunatic Asylum.
An act for the benefit of the keeper of the Penitentiary.
An act to legalize the proceedings of the Madison and Bullitt county courts.
An act to authorize the surveyors of Lincoln and Pike counties to transcribe parts of their record books, and for other purposes.
An act to provide for an additional Chancery term of the Madison circuit court.
An act for the benefit of John Cooper.
An act prescribing the mode of proceeding against civil officers for issuing illegal fee bills.
An act to authorize clerks of courts to administer oaths in vacation in certain cases.
An act for the benefit of John Allen and others.

An act to authorize the county court of Grant to sell a part of the public ground.

An act authorizing the appointment of trustees to the Jefferson and Morgan seminaries.

An act to amend the act for the better regulation of the town of Winchester.

An act to authorize the appointment of trustees to the Concord and Morgan seminaries.

An act to amend the act for the better regulation of the town of Winchester.

An act to allow additional constables in certain counties.

An act to amend the act authorizing the county courts to appoint inspectors of Salt.

An act for the benefit of the heirs of David Dickerson, dec'd.

An act to amend an act entitled, "an act allowing additional justices of the peace and constables to certain counties," approved January 25th, 1827.

An act to amend the law concerning public roads.

An act to repeal so much of an act, approved December 21st, 1825, as allows an additional justice of the peace to the county of Bath, as requires the same to reside in the town of Sharpsburg.

An act authorizing the trustees of Grant seminary to sell their donation land.

An act to change the place of holding the elections in the meeting creek precinct in the county of Hardin.

An act for the regulation of the town of New-Market in Washington county.

An act vesting the trustees of Springfield with power to pave the streets of said town.

An act to provide for the building of bridges across certain water courses in Greenup county.

And a resolution entitled,

A joint resolution offering five hundred dollars for the discovery of the cause of the milk sickness.

And then he withdrew.

Mr. A. S. Hughes from the committee of conference on the second amendment proposed by the Senate to a bill from the House of Representatives entitled, "an act to amend the militia law," reported that the committee had conferred with the committee on the part of the Senate of Representatives, and had agreed that the Senate recede from their said amendment thereupon:

Resolved, That the Senate recede from their said amendment.

Ordered, That Mr. Rodman inform the House of Representatives thereof.

Mr. Pope from the committee of courts of justice, made the following report, to-wit:

The committee of courts of justice has had under consideration the petition of John Gavrin, and report thereon:
Resolved, That the said petition be rejected.
Which being twice read, was concurred in.
Mr. Pope from the same committee, to whom was referred, a bill for the benefit of John Hachworth, deceased, reported the same with the following resolution, viz:

Resolved, That the said bill ought not to pass.
Which being twice read, was concurred in, and so the said bill was rejected.

Mr. Cockerill from the committee of enrollments reported, that the committee had examined enrolled bills and a resolution of the following titles:
An act to amend and reduce into one the execution laws of this State.

An act for the benefit of Sidney P. Clay and wife.

An act to amend an act entitled, "an act to incorporate the Lexington and Frankfort turnpike or rail road company."

A resolution for burning a part of the notes of the Bank of the Commonwealth of Kentucky.

An act to authorize the insertion of advertisements in certain newspapers.

An act for the benefit of Amy Ann B. Gibson.

An act for the improvement of the navigation of Rough creek.

An act to allow an additional justice of the peace in Union county, and for other purposes.

An act prescribing the mode of choosing electors to vote for President and Vice-President.

An act for the benefit of St. Joseph's and Cumberland colleges.

An act making a further appropriation for the rebuilding of the Capitol, and for other purposes.

An act appropriating fines and forfeitures for the lessening the county levy of certain counties.

An act to amend an act entitled, "an act to prevent the masters of vessels or others employing or removing persons of color from this State."

An act for the benefit of the heirs of James Neely, deceased.

An act for the appropriation of money.

An act further to regulate appeals and appeal bonds.

And had found the same truly enrolled, and that said bills were signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time, Mr. Cockerill reported that the committee had performed their duty.

Mr. Pope from the committee to whom was referred, a bill from
the House of Representatives entitled, "an act to incorporate the city of Louisville," reported the same with an amendment.

Which being twice read was disagreed to.

Ordered, That the said bill be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with:

The said bill was further amended by way of engrossed reader.

Resolved, That the said bill as amended do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. J. Hughes inform the House of Representatives thereof, and request their concurrence in the said amendments.

Messages were received from the House of Representatives, announcing the passage of bills which originated in the Senate of the following titles:

An act for the benefit of Peter Tichnor, and Hatzel Jennings, deceased.

An act for the benefit of John Jones, Justice Hulslaker and Rodes Garth.

An act to provide for changing the venue in the case of Alexander Gowings and wife.

An act to punish shooting or stabbing in sudden affrays.

An act for the benefit of Selah Warder and children.

An act to authorize the county court of Gallatin to appoint inspectors of tobacco.

An act to authorize the 76th and 121st regiments to hold a court of appeals and to regulate the fines of said regiments.

An act appointing commissioners to settle with William Holman late agent of the Penitentiary.

And they have adopted a resolution directing the Public Printer to print 3,600 copies of the militia law passed the present session.

That they have disagreed to the amendments proposed by the Senate, to a bill from that House entitled, "an act to remove the obstructions to the navigation of Pond river."

And that they have concurred in the report of the committee of conference, on the second amendment proposed by the House of Representatives, to a bill from the Senate entitled, an act more effectually to guard the right of suffrage, and for other purposes.

The said report was taken up and twice read as follows, viz:

The committee of conference upon the amendment to the bill which originated in the Senate entitled, an act more effectually to guard the right of suffrage, have agreed as follows: The Senate will recede from their disagreement to the amendment made by the House of Representatives with the following amendments:

Strike out the word convicted and insert guilty.

Add to the bill the following proviso:
Provided however, That the person receiving such bribe or treat, shall in no instance be a competent witness against the person accused of such bribing or treating.

JOHN M. McCONNELL,
JOHN POPE,
Committee from Senate.
B. HARRISON;
ELIAS BARBEE,
H. GRIDER,
A. PATRICK,
Committee House of Representatives.

And the question being taken on concurring in the said report, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Lockett, were as follows, viz:


Ordered, That Mr. Mc'Connell inform the House of Representatives thereof.

The question being taken on receding from the amendment proposed by the Senate, to the said bill from the House of Representatives entitled, "an act to remove the obstructions to the navigation of Pond river," and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Mc'Connell and J. Hughes, were as follows, viz:

YEAS—Messrs. Beatty, Barrett, Cockerill, Cunningham, Crutcher, Daviess, Given, W. Green, J. Hughes, A. S. Hughes, Hardin, Lockett, Maupin, Muldrow, Pope, Rodman, Slaughter, Summers and Smith—19.


Ordered, That Mr. Lockett inform the House of Representatives thereof.

A bill from the House of Representatives entitled, "an act for the benefit of Peter Curtner," was read the second time, and ordered to be read a third time.

An engrossed bill entitled, an act to repair the Salt river hill, on the road from the mouth of Salt river to Elizabethtown, was read the third time as follows, to-wit:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of one thousand dollars be and the same is hereby appropriated for the purpose of turnpik,
ing the Salt river hill, on the main road leading from the mouth of Salt river to Elizabethtown.

Sec. 2. And be it further enacted, That it shall and may be lawful for James Young, Matthew K. Wether, Abraham Deere and Robert Fletcher, who are hereby appointed commissioners, for the purpose of turnpiking and improving the said hill, to apply to the Auditor of public accounts, for a warrant on the Treasury of this State, for the sum aforesaid, and the Auditor shall issue said warrant, which shall be paid out of any money in the public Treasury of this State not otherwise appropriated.

Sec. 3. And be it further enacted, That before the warrant shall issue, the said commissioners shall, in the circuit court of Hardin county, enter into bond with sufficient security, to be approved of by the court, in the penalty of two thousand dollars, payable to the Commonwealth of Kentucky, for the faithful application of the money by this act appropriated for the purpose of turnpiking the aforesaid hill, which bond shall be filed away by the clerk of the court, and a copy sent to the Auditor of public accounts, to be filed in his office, before the warrant shall issue; upon which bond, suit may be brought and judgment obtained as in other cases of the Commonwealth.

Sec. 4. And be it further enacted, That it shall and may be lawful for the said commissioners, to direct the manner in which the said hill shall be turnpiked or improved, and shall appoint one of their own body, or some other fit person as overseer, to employ hands at the cheapest rate, and superintend the work, and shall allow the said overseer a sum not exceeding one dollar and fifty cents per day, for each day he may be necessarily engaged in attending to said work.

Sec. 5. And be it further enacted, That it shall be the duty of the said commissioners to cause the said hill to be turnpiked as soon as practicable, and to report their proceedings, in writing, containing an accurate statement of all expenses and the situation of the hill, the number of hands and days employed, and the prices of the labor per day, which report shall be sworn to and sent on to the next General Assembly.

Sec. 6. And be it further enacted, That a majority of the said commissioners shall have power to act and do every thing required to be done by this act.

Mr. Barrett moved to amend the said bill by attaching thereto the following engrossed rider, to-wit:

Be it further enacted, That the county court of Harrison county shall, and they are hereby authorized to draw from the branch Bank at Falmouth, one thousand dollars, for the purpose of building a bridge across Licking river at Claysville.

And the question being taken on adopting the said amendment it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Barrett and Maupin, were as follows, viz:


The question was then taken on the passage of the said bill as amended, and it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Gibson and Wickliffe, were as follows, viz:


A bill from the House of Representatives entitled, "an act to incorporate the Lexington rail road or turnpike company," was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Wickliffe inform the House of Representatives thereof.

A message from the House of Representatives by Mr. Hall of Barren.

Mr. Speaker—The House of Representatives have passed a bill from the Senate entitled, "an act more effectually to guard the 7th section of the 10th article of the constitution from violati0n," with an amendment to the title, in which they request the concurrence of the Senate.

And then he withdrew.

The said amendment was twice read and concurred in.

Ordered, That Mr. Wickliffe inform the House of Representatives thereof.

Messages were received from the House of Representatives, announcing the passage of a bill entitled, "an act to improve the road between Shelbyville and Louisville," and the adoption of a resolution requesting the Congress of the United States to make appropriations for extending a branch of the national road from Zanesville in Ohio to Maysville in Kentucky, and from thence through the States of Kentucky, Tennessee, Alabama and Mississippi to New-Orleans.

And that they have concurred in the amendments proposed by
the Senate to a bill from that House entitled, "an act to incorporate the city of Louisville."

A bill from the House of Representatives entitled, "an act for the benefit of the heirs of Richard Barnett and others," was read the third time.

And the question being taken on the passage of the said bill, it was decided in the negative, and so the said bill was disagreed to.

Ordered, That Mr. A. S. Hughes inform the House of Representatives thereof.

A bill from the House of Representatives entitled, "an act for the benefit of John Fraughm," was read the second time.

And the question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Ordered, That Mr. A. S. Hughes inform the House of Representatives thereof.

A bill from the House of Representatives entitled, "an act to authorize certain county courts to appoint reviewers to view a way from Richmond in Madison county, to the Green river Salt works," was read the second time, amended, and ordered to be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

Resolved, That the said bill, as amended, do pass, and that the title be amended to read, an act to authorize certain county courts to appoint reviewers to view a way from Thomas Kennedy's in Garrard county to the Green river Salt works.

Ordered, That Mr. Selby inform the House of Representatives thereof, and request their concurrence in the said amendments.

After a short time a message was received from the House of Representatives, announcing their concurrence in the said amendments.

A bill from the House of Representatives entitled, "an act to remove the seat of justice of Oldham county," was read the third time.

Mr. J. Hughes moved to amend the said bill by attaching thereto the following engrossed section by way of rider, to-wit: Be it further enacted, That on the removal of the seat of justice aforesaid, from the town of Lagrange to the town of Westport, the county court of Oldham shall pay over to any person or persons, the full value of any donations of lands or any other property, made to the courts aforesaid, in conformity to an act of the legislature of Kentucky, approved on the 25th January, 1826, the property so donated, to be valued by three discreet housekeepers, to be appointed by the county court, and the courts shall
at the time of laying their next county levy, provide for and pay to the several claimants, their respective claims as aforesaid.

And the question being taken on concurring in the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hardin and McConnel, were as follows, viz:


The question was then taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Davies and J. Hughes, were as follows, viz:


Resolved, That the title of said bill be as aforesaid.

Ordered, That Mr. Hardin inform the House of Representatives thereof.

The report of the select committee on the nomination of Arthur Lee Campbell, to be commissioned surveyor of the military lands, vice Richard C. Anderson deceased, made on the 7th instant, was taken up, twice read and concurred in.

Ordered, That Mr. Hardin inform the Governor thereof.

A bill to provide for the safe keeping of the books of entries and surveys for military lands, now in the possession of the representatives of Colonel Richard C. Anderson deceased, was taken up and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, second and third readings of the said bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Hardin carry the said bill to the House of Representatives and request their concurrence.

Mr. Davies moved to again take up the orders of the day.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Davies and McMillan, were as follows, viz:


The resolution from the House of Representatives requesting the Congress of the United States, to make appropriations for extending a branch of the national road from Zanesville in Ohio, to Maysville in Kentucky, and from thence through the States of Kentucky, Tennessee, Alabama and Mississippi to New-Orleans, was taken up and twice read.

And the question being taken on concurring therein, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. M'Connell and Fleming, were as follows, to-wit:


Ordered, That Mr. Wickliffe inform the House of Representatives thereof.

Mr. Pope from the committee to whom was referred, a bill to provide for opening and keeping in repair the public roads in the several counties in this Commonwealth, reported the same with amendments.

Which being twice read,

Mr. Crutcher moved to lay the said bill on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Pope and Woods, were as follows, viz:

YEAS—Messrs. Cockerill, Cunningham, Crutcher, Daniel, Faulkner, Fleming, Given, W. Green, Garrard, Gibson, J. Hughes, Hardin, M'Connell, Smith and Taylor—15.


The first and second amendments were concurred in.

The third amendment is as follows, to-wit:

Add the following section to the bill:

There shall be and is hereby appropriated, out of the money
in the Bank of the Commonwealth, the sum of $200,000, for the improvement of the roads in this Commonwealth, to be apportioned among the several counties in proportion to the amount of revenue chargeable to each county according to the commissioners' books returned to the Auditor's office, the proportion of each county to be paid to the order of the county court, upon a certificate of said court being produced, to the President and Directors of said Bank, that the said court has laid a levy of six and a fourth cents on each one hundred dollars worth of property, according to the third section of this act, and a tax of fifty cents of each tithe, and it shall be the duty of the President and Directors to pay to the orders of each court, its proportion of the $200,000 aforesaid, according to the foregoing rate, upon the production of the certificate aforesaid; and it shall be the duty of the several county courts, and the commissioners appointed under this act, to apply the money received under this act, from the Bank, to the improvement of the roads as contemplated in this act.

Mr. W. Green moved to strike out the words "amount of revenue chargeable to," printed in italics, and to insert in lieu thereof, number of qualified voters in.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Crutcher and Muldrow, were as follows, to-wit:


NAYS—Messrs. Davies, J. Hughes, Muldrow, Slaughter, Summers, Taylor, White and Woods—8.

Mr. M'Connell moved to lay the said bill and amendment on the table, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Beatty and Davies, were as follows, viz:


Mr. Cockerill from the joint committee of enrollments reported, that the committee had examined enrolled bills of the following titles:

An act to amend the militia law. And,

An act to remove the obstructions to the navigation of Pond river.
And had found the same truly enrolled, and that said bills were signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time Mr. Cockerill reported that the committee had performed that duty.

A bill from the House of Representatives entitled, an act to amend an act, approved February 4th, 1915, in relation to justices of the peace; was read the third time.

And the question being taken on the passage thereof, it was decided in the negative, and so the said bill was disapproved.

Ordered, That Mr. Rodman inform the House of Representatives thereof.

Bills from the House of Representatives of the following titles:

An act to authorize the Secretary of State to purchase seventy-five copies of the Digest. And,

An act for the benefit of the heirs of Peter Ahell deceased.

Were each read the second time and laid on the table.

A message from the House of Representatives by Mr. Turner, Speaker—The House of Representatives have passed a bill from the Senate entitled, an act to amend the penal laws, with amendments, in which they request the concurrence of the Senate. And then he withdrew.

The said amendments were taken up, twice read and concurred in.

Ordered, That Mr. McMillan inform the House of Representatives thereof.

A bill from the House of Representatives entitled, an act declaring Tradewater river navigable, was read the second time.

Mr. Maupin moved to amend the said bill by adding thereto the following section, viz:

Be it further enacted, That three hundred dollars be appropriated for the purpose of clearing out Little Barren river from the mouth thereof to Abner Hamilton's, and that the said three hundred dollars be paid out of the Greensburgh branch bank in the paper of said branch, under the same provisions and regulations as are provided for by this act.

And the question being taken on adopting the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Maupin and Davies, were as follows, viz:


NAYS—Messrs. Faulkner, Fleming, Given, W. Green, J. Hughes, Hardin, M'Connell, Taylor and White—9.
Mr. Crutcher moved a further amendment to the said bill.
Mr. Wood moved to lay the said bill and amendments on the table.
And the question being taken thereon it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Lockett and Wood, were as follows, viz:


Bills from the House of Representatives of the following titles, viz:

1. An act prescribing the duties of the Clerks of the inferior courts in making out complete records.
2. An act to amend the law in trials cognizable before justices of the peace.
3. An act to provide for erecting a bridge across Hinkston's creek at the mouth of Peyton Lick branch.
4. An act supplementary to an act entitled, an act appointing Commissioners to survey and mark out a road from Harrodsburg to Smithland in Livingston county.
5. An act for the benefit of the infant heirs of Aquilla Hodsman, deceased. And,
6. An act to improve the road between Shelbyville and Louisville.

Were severally read the first time, and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision, and second and third readings of the first, third, fourth and fifth bills having been dispensed with;

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Daviess inform the House of Representatives thereof.

A bill from the House of Representatives entitled, an act providing for the establishment of common schools throughout the Commonwealth, was read the second time.

And the question being taken on reading the same a third time, it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Lockett and Slaughter, were as follows, viz:

YEAS—Messrs. Beatty, Barrett, Cockerill, Cunningham, Crutcher, Daviess, Daniel, W. Green, A. S. Hughes, Hickman,
Feb. 12.]

THE SENATE.

Lockett, Maupin, M'Millan, Muldrow, Pope, Slaughter, Wood and Wickliffe—17.


Bills from the House of Representatives of the following titles, viz:

1. An act for the benefit of Leonard B. Parker, deputy sheriff of Hardin county.
2. An act to add a part of Caldwell to Trigg county.
3. An act for the divorce of R. Tomlinson and others. And,
4. An act for the benefit of Nancy Vaughn, and Lydia Rayne. Were severally read the second time, and ordered to be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bills having been dispensed with:

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Crutcher inform the House of Representatives thereof.

The yeas and nays being required on the passage of the second bill by Messrs. Summers and M'Connell, were as follows, viz:


And the yeas and nays being required on the passage of the third bill by Messrs. Dudley and Davies, were as follows, viz:


A message in writing was received from the Governor, by Mr. Pickett, Secretary of State.

A bill from the House of Representatives entitled, an act to provide for the erection of bridges across Rockcastle river, on the turnpike and wilderness road and for other purposes, was read the second time.

Mr. Crutcher moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon by Messrs. Crutcher and Given, were as follows, viz:


Mr. Crutcher then moved to lay the said bill on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Maupin and Cockerill, were as follows, viz:


Mr. Crutcher then moved to amend the said bill by striking out the 8th, 9th and 10th sections, which are as follows, viz:

Sec. 8. Be it further enacted, That the sum of two thousand five hundred dollars be, and is hereby appropriated out of the branch bank of the Commonwealth, at Bowling Green, for the purpose of removing stooping timber, drift wood and other obstructions to the navigation of Big Barren from Bowling Green to the mouth, and of Green river, from Munfordsville to its mouth.

Sec. 9. Be it further enacted, That George Bratton of Warren county, James Wilson of Hardin county, Daniel Plain of Muhlenburg county, and James Ward of Butler county, or a majority of them be, and are hereby appointed Commissioners, to carry into effect, the objects of this act: Provided however, That said Commissioners before they enter upon the discharge of their duties, shall in the county courts of their respective counties, enter into bond, with security to be approved by said courts, for the faithful discharge of the duty devolving upon them from this act, and the said Commissioners shall receive for the time they are thus employed, one dollar and fifty cents per day, out of the aforesaid appropriation.

Sec. 10. Be it further enacted, That the Cashier of the branch bank of the Commonwealth at Bowling Green, is hereby directed to pay over to said Commissioners, the aforesaid sum of money, as soon as they shall have given bond, and are otherwise prepared to act in pursuance of this law.

At ten minutes after seven o'clock, P. M. Mr. Crutcher moved that the Senate do now adjourn.
And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Crutch and Maupin, were as follows, viz:


The question was then taken on the said amendment proposed by Mr. Crutch, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Crutch and Cockerill, were as follows, to-wit:


Mr. Cockerill moved to lay the said bill on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cockerill and Maupin, were as follows, viz:


The question was then taken on reading the said bill a third time, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Cockerill and Smith, were as follows, viz:

NAYS—Messrs. Cockerill, Cunningham, Crutch, Davies, Green, Maupin, M'Connell, Muldrow, Rodman, Selby, Slaughter, Summers, Taylor and Wickliff—14.

A bill from the House of Representatives entitled, an act for the benefit of the devisees of Hugh Mercer Tennent and others, was read third time as amended.

And the question being taken on the passage thereof, it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. A. S. Hughes and Wood, were as follows, viz:


Resolved, That the title of the said bill be amended to read “an act to authorize the redemption of land which has been forfeited for the non-payment of taxes.”

Ordered, That Mr. Daviess inform the House of Representatives thereof, and request their concurrence in the said amendments.

Bills from the House of Representatives of the following titles, viz:

1. An act giving further time to certain officers to renew their bonds. And,
2. An act further to regulate the duties of sheriffs, were each read the third time.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That Mr. Allen inform the House of Representatives thereof.

The yeas and nays being required on the passage of the second bill, by Messrs. Daviess and Hardin, were as follows, viz:


A resolution from the House of Representatives directing the Public Printer to print 3,600 copies of the militia law passed the present session, was taken up, twice read and concurred in.

Ordered, That Mr. Faulkner inform the House of Representatives thereof.

Mr. Beatty moved the following resolution, viz:

Resolved by the Senate, That the Public Printer, be forthwith instructed to print one thousand copies of the lists of the acts passed during the present session of the General Assembly of this Commonwealth, for the use of the Senate.

Which being twice read was adopted.

Mr. Faulkner from the committee to whom was referred the nominations of Jacob A. Slack and Thomas Nicholson, made the following report, viz:

The select committee to whom was referred the nomination of Jacob A. Slack to be commissioned Lieutenant Colonel of the 15th regiment, vice John Hunter resigned, have had the same
under consideration, and have unanimously come to the following resolution thereon, viz:

Resolved, That the Senate do not advise and consent to the said appointment.

Which being twice read was concurred in.

Ordered, That Mr. Faulkner inform the Governor thereof.

Mr. Faulkner from the committee to whom was referred the nomination of Preston S. Loughborough, made the following report, viz:

The committee to whom was referred the nomination of Preston S. Loughborough, have had the same under consideration, and report the following resolution:

Resolved, That the Senate do advise and consent to the nomination of P. S. Loughborough to be commissioned Adjutant General for the State of Kentucky.

Mr. Wickliffe moved to amend the said resolution by substituting therefor the following, to-wit:

Resolved, That the Senate do not advise and consent to the nomination of P. S. Loughborough, as Adjutant General, in the room of O. G. Waggoner, because they believe there is no vacancy.

And the question being taken on adopting the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardin and Faulkner, were as follows, viz:


The said resolution as amended, was then concurred in.

Ordered, That Mr. Faulkner inform the Governor thereof.

On the motion of Mr. Faulkner—Ordered, That the committee to whom was referred the nomination of Armstrong M'Clintock, as Division Inspector of the 10th Division, be discharged from the further consideration thereof.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 13, 1828.

The Senate Assembled.

Mr. A. S. Hughes, from the committee to whom was referred a bill to amend an act entitled, "an act to incorporate the Maysville and Lexington turnpike road company," approved 22d January, 1827, reported the same with an amendment.

Which being twice read, was concurred in.

Ordered, That the said bill be engrossed and read a third time.
Mr. Hickman, from the joint committee appointed to examine the Auditor's office, made the following report, viz:

The chairman of the joint committee raised to examine the Auditor's office, for the fiscal year commencing on the 10th day of October, 1826, and ending on the 10th day of October, 1827, would unite in stating, that at an early day of the session and frequently since, attempts have been made to assemble said committee in said office, for the purpose of commencing said examination; these attempts ended in continual disappointment, as a majority has at no time been obtained. Thus frustrated in our reasonable expectations, your chairman would represent, that they very recently determined to give the office such an examination as time and circumstances would permit, and accordingly found the books, records and vouchers, all in good order, and that the general balance sheets exhibiting the receipts and expenditures for the year, are constituted of correspondent items in the journal and ledger, and accords with the report made by the Auditor to the legislature, and that that report substantially agrees with the one made by the Treasurer.

In order however, to arrive more fully at the true grounds on which the accounts of that office should rest, it became necessary to compare the numerous vouchers, with the various and complicated laws authorizing allowances, as also the warrant book; a very short experiment in this branch of the examination dissipated the last and least hope of accomplishing an undertaking so arduous, in a manner either acceptable to ourselves or satisfactory to the General Assembly, or the good people of the Commonwealth, and cannot therefore, as representatives, state absolutely and unequivocally that all is right in that department, yet as men, we believe all is right, and that the duties of that office are faithfully conducted.

It has been usual to confide the examination of that office to a committee of the legislature, whose reports have always indicated the examination to have been of the most thorough kind; but such an examination we believe, never has and never can be made by such a committee for want of time, nor is it right that members should be required to perform duties so onerous during the session. We would therefore recommend the passage of a law, appointing a standing committee of suitable and responsible individuals residing at the seat of government, whose duty it shall be from time to time, to examine said office, and report to the General Assembly.

JOHN L. HICKMAN, Chf. from Senate.
M. W. HALL, Chf. from H. Rep.

Said report was laid on the table.

Mr. Hardin, from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to establish
seminaries of learning in the counties of Calloway, Graves, Hickman and McCracken, reported the same without amendment.

Mr. Dudley moved an amendment thereto, embracing the seminary in Anderson county.

Ordered, That the said bill and amendment be laid on the table.

A bill from the House of Representatives entitled, "an act for the benefit of Peter Curtner," was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Given inform the House of Representatives thereof.

A bill from the House of Representatives entitled, "an act to amend the law in trials cognizable before justices of the peace," was read the second time and amended, and ordered to be read a third time.

And thereupon the rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

Resolved, That the said bill as amended do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Fleming inform the House of Representatives thereof, and request their concurrence in the said amendment.

A bill from the House of Representatives entitled, "an act providing for the establishment of common schools throughout the Commonwealth," was read the third time.

It was moved and seconded to lay the said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Maupin and A. S. Hughes, were as follows, to wit:


A bill from the House of Representatives entitled, "an act to provide for the erection of bridges across Rockcastle river, upon the turnpike and wilderness road, and for other purposes," was read a third time as amended.

Mr. Wickliffe moved to lay the said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Woods and Maupin, were as follows, viz:


A bill from the House of Representatives entitled, "an act to improve the road between Shelbyville and Louisville," was read the second time.

Mr. McConnell moved to lay the said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Maupin and Pope, were as follows, viz:


A message in writing was received from the Governor, by Mr. Pickett, Secretary of State.

The rule having been dispelled with, said message and the message received on yesterday, were taken up and read as follows, viz:

Gentlemen of the Senate,

I nominate for your advice and consent, Daniel Hager, to be commissioned Lieutenant Colonel of the 98th regiment, Kentucky militia, vice John Vanhoose, promoted.

John Haywood, Major of the same, vice Hager, if promoted.

William Mothershead, Major of the 92d regiment, vice A. Herndon, resigned.

John W. Simpson, Lieutenant Colonel of the 55th regiment, vice Isaac Harper, resigned.

Joseph W. Fowler, Major of the same, vice J. W. Simpson, if promoted.

James Crucer, Lieutenant Colonel of the 24th regiment, vice Isham Clement resigned.

Isaac Lovelace, Lieutenant Colonel of the 118th regiment, vice William Wilkins, resigned.

John H. Winfrey, Colonel of the 81st regiment, vice Robert Reed, resigned.

William W. Bailey, Colonel of the 93d regiment, vice James G. Yates, resigned.

Joseph Woodard, Lieutenant Colonel of the 16th regiment, vice P. B. Atwood, resigned.
Feb. 13.]

THE SENATE.

William M. Sudduth, Brigadier General of the 15th brigade, vice James Quattle, resigned.

George Landsdown, Colonel of the 65th regiment, vice W. M. Sudduth, if promoted.

Samuel Stone, Lieutenant Colonel of the same, vice G. Landsdown, if promoted.

John McGee, Major of the 97th regiment, vice John Lander, if promoted.

Henry Suddith, Major of the 23rd regiment, vice James Peart, resigned.

Samuel Smith, Quarter Master of the 3d division, vice Daniel Rice, resigned.

JOS. DESHA.

February 12, 1828.

Gentlemen of the Senate,

I nominate for your advice and consent, John Wilson, to be commissioned Colonel of the 86th regiment, Kentucky militia, vice N. Riley, resigned.

Stephen B. Carnagey, Lieutenant Colonel of the same, vice J. Wilson, if promoted.

John O. Baseman, Major of the same, vice S. B. Carnagey, if promoted.

Joel Woodard, Colonel of the 16th regiment, vice L. Landridge, promoted.

JOS. DESHA.

February 13, 1828.

Resolved, That the Senate advise and consent to the said appointments.

Ordered, That Messrs. Allen and Garrard inform the Governor thereof.

The nomination of Armstrong M'Clintock, to be commissioned Division Inspector of the 10th division, was taken up.

Resolved, That the Senate advise and consent to the said appointment.

Ordered, That Messrs. Allen and Garrard inform the Governor thereof.

On the motion of Mr. Fleming—Ordered, That a message be sent to the Governor, requesting leave to withdraw the report of the last nomination, and that Mr. Allen carry the said message.

The said report was withdrawn.

Mr. Fleming from the majority, moved a reconsideration of the vote, advising and consenting to the said appointment.

And the question being taken thereon, it was decided in the affirmative.

The question was again taken on advising and consenting to the said appointment, and it was decided in the affirmative.

Ordered, That Mr. Allen inform the Governor thereof.

A message from the House of Representatives by Mr. Comba
Mr. Speaker—The House of Representatives have passed a bill entitled, "an act for the benefit of the heirs of Stevens Thompson Mason, deceased," in which they request the concurrence of the Senate.
And then he withdrew.

The said bill was taken up, read the first time and ordered to be read a second time.

On the motion of Mr. Wood—Ordered, That the committee of propositions and grievances be discharged from the further consideration of the petition of sundry citizens of the counties of Cumberland, Wayne and Russell, praying for a new county out of a part of each of the said counties, and that he have leave to withdraw the said petition.

On the motion of Mr. A. S. Hughes, leave was given to withdraw the petition for, and remonstrance against, forming an election precinct in Bracken county.

A message from the House of Representatives by Mr. Ray:
Mr. Speaker—The House of Representatives have passed a bill from the Senate entitled, "an act more effectually to guard the occupant of land."
And then he withdrew.

A message in writing was received from the Governor, by Mr. Pickett, Secretary of State.

The rule of the Senate having been dispensed with, the said message was taken up and read as follows, viz:

Gentlemen of the Senate,
I nominate for your advice and consent, Jacob A. Slack to be commissioned Major of the 15th regiment, Kentucky militia.

JOS. DESHA.
February 13, 1828.
Resolved, That the Senate advise and consent to the said appointment.

On the motion of Mr. Taylor, who voted in the majority, the said vote was reconsidered.
And the said nomination was laid on the table.
A message in writing was received from the Governor, by Mr. Pickett, Secretary of State.

The rule having been dispensed with, the said message was taken up and read as follows, viz:

Gentlemen of the Senate,
I nominate for your advice and consent, Robert Langford, to be commissioned Surveyor and general superintendent of the turnpike and wilderness road.

JOS. DESHA.
February 13, 1828.
Resolved, That the Senate do not advise and consent to the said appointment.
Ordered, That Mr. Garrard inform the Governor thereof.
Feb. 13.] THE SENATE.

A message in writing was received from the Governor, by Mr. Pickett, Secretary of State, which was taken up and read as follows, viz:

Gentlemen of the Senate,

I nominate for your advice and consent, Reuben Munday, to be commissioned Surveyor and general superintendent of the turnpike and wilderness road.

JOS. DESHA.

February 13, 1828.

Resolved, That the Senate advise and consent to the said appointment.

Ordered, That Mr. Garrard inform the Governor thereof.

Messrs. Cockerill and Givens, from the joint committee of enrolments, reported that the committee had examined enrolled bills and resolutions of the following titles, viz:

An act for the benefit of John Jones, Justice Huffaker and Rodes Garth.
An act more effectually to guard the right of suffrage, and for other purposes.
An act concerning the turnpike and wilderness road.
An act restraining and refining the power of judges in cases of contempt.
An act appointing commissioners to settle with William Holman late agent of the Penitentiary.
An act for the benefit of the heirs of Peter Tichenor and Hatzel Jennings, deceased.
An act to authorize the county court of Gallatin to appoint inspectors of tobacco.
An act to authorize the 75th and 121st regiments to hold a court of appeals and to regulate the fines of said regiments.
An act to punish shooting or stabbing in sudden affrays.
An act to amend the penal laws.
An act for the benefit of Selah Warner and children.
An act to incorporate the city of Louisville.
An act to remove the seat of justice of Oldham county.
An act to authorize certain county courts to appoint reviewers to view a way from Thomas Kennedy's in Garrard county, to the Green Salt Works.
An act to incorporate the Lexington rail road or turnpike company.

A resolution, requesting the Congress of the United States to make an appropriation for extending a branch of the national road from Zanesville in Ohio, to Maysville in Kentucky, and from thence through the States of Kentucky, Tennessee, Alabama and Mississippi, to New Orleans.

An act more effectually to guard the occupant of land.
An act to provide for changing the venue in the case of Alexander Gowings and wife.

An act prescribing the duties of the clerks of inferior courts in making out complete records.

An act giving further time to certain officers to renew their bonds.

An act to amend the law in trials cognizable before justices of the peace.

An act to add a part of Caldwell to Trigg county.

An act for the benefit of Peter Curtner.

An act to provide for erecting a bridge across Hinkston's creek, at the mouth of Peyton lick branch.

And act for the benefit of the infant heirs of Aquilla Hodskins, deceased.

An act further to regulate the duties of sheriffs.

An act for the benefit of Nancy Vaughn and Lydia Rayne.

An act for the divorce of R. Tomlinson and others.

An act for the benefit of Leonard B. Parker, deputy sheriff of Hardin county.

An act supplementary to an act entitled, "an act appointing commissioners to survey and mark out a road from Harrodsburg to Smithland." And,

A resolution directing the Public Printer to print 3,600 copies of the militia law passed the present session.

And had found the same truly enrolled, and that said bills were signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be laid before the Governor for his approbation and signature.

After a short time, Messrs. Cockerill and Given reported that the committee had performed that duty.

A message from the Governor by Mr. Pickett, Secretary of State.

Mr. Speaker—The Governor has approved and signed enrolled bills which have originated in the Senate, of the following titles:

An act to amend an act to incorporate the Lexington and Frankfort turnpike or rail road company.

An act for the benefit of Sidney P. Clay and wife.

An act to amend and reduce into one the execution laws of this State.

An act more effectually to guard the right of suffrage, and for other purposes.

An act concerning the turnpike and wilderness road.

An act appointing Commissioners to settle with William Holman, late agent of the Penitentiary.
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The Senate.

An act to authorize the 75th and 121st regiments to hold a court of Appeals and to regulate the fines of the said regiments.

An act to authorize the county court of Gallatin to appoint inspectors of tobacco.

An act for the benefit of the heirs of Peter Tichenor, and Hazel Jennings, deceased.

An act for the benefit of John Jones, Justice Huffaker, and Rodes Garth.

An act restraining and defining the power of judges in cases of contempt.

An act for the benefit of Selah Warder and children.

An act to prevent shooting or stabbing in sudden affrays.

An act to amend the penal laws.

An act to provide for changing the venue in the case of Alexander Gowings and wife.

An act more effectually to guard the occupants of land.

And also a resolution entitled, "a resolution for burning a part of the notes of the bank of the Commonwealth of Kentucky."

Ordered, That Mr. Fleming inform the House of Representatives thereof.

A message from the House of Representatives by Mr. Wingate:

Mr. Speaker—The House of Representatives have received official information that the Governor has approved and signed enrolled bills originating in the House of Representatives of the following titles:

An act prescribing the mode of choosing electors to vote for President and Vice-President.

An act for the benefit of St. Joseph's and Cumberland colleges.

An act to authorize the insertion of advertisements in certain newspapers.

An act for the benefit of Amy Ann B. Gibson.

An act for the improvement of the navigation of Rough creek.

An act for the appropriation of money.

An act further to regulate appeals and appeal bonds.

An act making a further appropriation for the rebuilding of the Capitol, and for other purposes.

An act for the benefit of the heirs of James Neely, deceased.

An act appropriating fines and forfeitures for the lessening the county levy of certain counties.

An act to amend an act entitled, "an act to prevent the masters of vessels or others employing or removing persons of color from this State."

An act to amend the militia law.

An act to remove the obstructions to the navigation of Pond river.

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An act to authorize certain county courts to appoint reviewers to view a way from Thomas Kennedy's in Garrard county, to the Green river Salt works.

An act to incorporate the Lexington rail road or turnpike company.

An act to remove the seat of justice of Oldham county.

An act to incorporate the city of Louisville.

An act to allow an additional justice of the peace in Union county, and for other purposes.

An act further to prescribe the duties of Sheriffs.

An act prescribing the duties of the clerks of the inferior courts in making out complete records.

An act for the benefit of Leonard B. Parker, deputy sheriff of Hardin county.

An act for the divorce of R. Tomlinson and others.

An act to provide for erecting a bridge across Hinkston's creek at the mouth of Peyton lick branch.

An act for the benefit of Peter Curtner.

An act for the benefit of the infant heirs of Aquilla Hodskins, deceased.

An act to add a part of Caldwell to Trigg county.

An act giving further time to certain officers to renew their bonds.

An act to amend the law in trials cognizable before justices of the peace.

An act for the benefit of Nancy Vaughan and Lydia Rayne.

Also the following resolutions:

A resolution requesting the Congress of the United States to make appropriations for extending a branch of the national road from Zanesville in Ohio to Maysville in Kentucky, and from thence through the state of Kentucky, Tennessee, Alabama and Mississippi to New-Orleans.

A resolution directing the Public Printer to print 3,600 copies of the militia law passed the present session. And,

An act entitled, an act supplementary to an act entitled "an act appointing commissioners to survey and mark out a road from Harrodsburg to Smithland."

And then he withdrew.

On the motion of Mr. Daviess—Ordered, That a message be sent to the House of Representatives, informing that body, that the Senate having finished the legislative business before them, is now ready to close the present session of the General Assembly, by an adjournment on their part without day; and that Mr. Daviess carry the said message.

A message from the House of Representatives by Mr. Blackburn:
Mr. Speaker—The House of Representatives having finished the legislative business before them, I am instructed to inform the Senate, that they are now ready to close the present session of the General Assembly, by an adjournment without day; and that they have appointed a committee of six on their part, to meet such committee as may be appointed on the part of the Senate, to wait on the Governor and inform him of the intended adjournment of the General Assembly, and to know whether he has any further communications to make.

And then he withdrew.

Whereupon Messrs. Daviess, Garrard and Allen were appointed a committee on the part of the Senate.

Ordered, That Mr. Daviess inform the House of Representatives thereof.

The Speaker having retired, Mr. Allen was called to the chair when Mr. Pope offered the following resolution, which was read, and unanimously adopted, to-wit:

Resolved, That the dignified, impartial and able discharge of official duty by Robert B. M'Afee, Esq. as Speaker of the Senate, deserves the thanks of its members, and they are hereby most cordially tendered to him.

The Speaker having resumed the chair, Mr. Daviess from the joint committee appointed to wait on the Governor, reported that the committee had discharged the duty assigned them, and were informed by the Governor in reply, that he had no farther communication to make.

Whereupon the Speaker having delivered a suitable valedictory address, adjourned the Senate Sine Die.